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FEDERAL REGISTER

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VOLUME 16 — 1934 — NUMBER 28

Washington, Friday, February 9, 1951

TITLE 4—ACCOUNTS

Chapter I—General Accounting Office

PART 14—PROCEDURE FOR GOVERNMENT ADVERTISING

REVOCATION

JANUARY 31, 1951.

Part 14, procedure for Government Advertising, is hereby revoked.

(Sec. 309, 311, 42 Stat. 25; 31 U. S. C. 49, 52)

[SEAL] LINDSAY C. WARREN,
Comptroller General of the United States.

[F. R. Doc. 51-2027; Filed, Feb. 8, 1951; 8:49 a. m.

TITLE 7—AGRICULTURE

Chapter II—Production and Marketing Administration (School Lunch Program), Department of Agriculture

PART 210—REGULATIONS AND PROCEDURES

APPENDIX—APPORTIONMENT OF ASSISTANCE FUNDS

SUPPLEMENTAL APPORTIONMENT OF $3,000,000 OF FOOD ASSISTANCE FUNDS PURSUANT TO NATIONAL SCHOOL-LUNCH ACT [1]

Pursuant to section 4 of the National School-Lunch Act (60 Stat. 230) supplemental food assistance funds available for the fiscal year ending June 30, 1951, are apportioned among the States as follows:

State	Total	State agency	Withheld for private schools
Alabama	$117,258	$114,489	$2,769
Arizona	19,556	18,498	1,058
Arkansas	79,247	77,834	1,413
California	148,666	148,666	----------
Colorado	24,213	22,102	2,111
Connecticut	28,224	28,224	----------
Delaware	4,503	3,778	725
District of Columbia	10,311	10,311	----------
Florida	59,080	56,937	2,143
Georgia	113,722	113,722	----------
Idaho	14,466	14,041	425
Illinois	113,065	113,065	----------
Indiana	76,201	76,201	----------
Iowa	45,778	41,109	4,669
Kansas	38,946	38,946	----------
Kentucky	106,313	106,313	----------
Louisiana	84,845	84,845	----------
Maine	21,621	17,839	3,782
Maryland	36,193	29,770	6,423
Massachusetts	75,953	58,299	17,654
Michigan	118,035	100,084	17,951
Minnesota	$59,737	$51,465	$8,272
Mississippi	104,132	104,132	----------
Missouri	76,749	76,749	----------
Montana	8,905	8,116	789
Nebraska	23,857	21,440	2,417
Nevada	2,254	2,222	32
New Hampshire	10,825	10,825	----------
New Jersey	69,305	56,190	13,115
New Mexico	18,982	18,982	----------
New York	176,685	176,685	----------
North Carolina	144,168	144,168	----------
North Dakota	13,121	11,873	1,248
Ohio	132,102	114,125	17,977
Oklahoma	70,140	70,140	----------
Oregon	30,935	30,935	----------
Pennsylvania	33,981	----------	33,981
Rhode Island	11,580	11,580	----------
South Carolina	86,564	85,496	1,068
South Dakota	11,999	11,013	986
Tennessee	109,117	106,476	2,641
Texas	188,564	188,564	----------
Utah	18,445	18,190	255
Vermont	8,688	8,688	----------
Virginia	81,165	78,665	2,500
Washington	43,254	40,765	2,489
West Virginia	59,527	58,224	1,303
Wisconsin	63,505	50,172	13,333
Wyoming	5,518	5,518	----------
Total	3,000,000	2,836,471	163,529

[1] Additional sum of $3,000,000 transferred from original amount set aside for sec. 6 purchases and made available for cash assistance to States.

(60 Stat. 230; 42 U. S. C. 1751-1760)

Dated: February 6, 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture

[F. R. Doc. 51-2054; Filed, Feb. 8, 1951; 8:56 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

[ACP-1950-5]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM—SUBPART—1950

CONSERVATION PRACTICES AND MAXIMUM RATES OF ASSISTANCE; MATERIALS AND SERVICES

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1950 National Agricultural Conservation Program, issued July 21, 1949 (14 F. R. 4627), as amended September 2, 1949 (14 F. R. 5520), December 16, 1949 (14 F. R. 7609), February 8, 1950 (15 F. R. 791), and August 28, 1950 (15 F. R. 5927), is futher amended as follows:

(Continued on p. 1225)

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

1. Section 701.103 is amended by inserting the following immediately preceding paragraph (a):

§ 701.103 *Conservation practices and maximum rates of assistance.* * * *

Assistance for the practices contained in paragraphs (a) (4), (13), (14); (b) (3), (4); and (c) (1) (iii), (iv), of this section may be given even though a good stand is not established, if the county committee determines, in accordance with standards approved by the State committee, that the practice was carried out in a manner which would normally result in the establishment of a good stand, and that failure to establish a good stand was due to reasons beyond the control of the producer. The county committee may require as a condition of assistance in such cases that the area be reseeded, or that other needed protective measures be carried out.

2. Section 701.107 (c) is amended by inserting the following at the end thereof:

§ 701.107 *Conservation materials and services.* * * *

(c) *Deduction.* * * *

Notwithstanding other provisions of this section, in cases where the county committee, in accordance with standards approved by the State committee, determines (1) that due to reasons beyond his control the producer to whom materials were furnished cannot use them to carry out the practice for which the materials were furnished, (2) that the materials cannot be used effectively by the producer to carry out other approved conservation measures on the farm before there is a likelihood of deterioration of the materials, and (3) that it is impracticable to repossess the materials or transfer the materials to another producer, title to the materials may be transferred to the producer upon payment to the Treasurer of the United States of an amount equal to the deduction determined under the provisions of this paragraph.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 6th day of February 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51–2017; Filed, Feb. 8, 1951; 8:47 a. m.]

[1061(51)–1, Supp. 3]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART—1951

CONSERVATION PRACTICES AND MAXIMUM RATES OF ASSISTANCE; MATERIALS AND SERVICES

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1951 National Agricultural Conservation Program, issued September 6, 1950 (15 F. R. 6109), as amended October 6, 1950 (15 F. R. 6813), and October 24, 1950 (15 F. R. 7201), is further amended as follows:

1. Section 701.210 is amended by adding paragraph (c) as follows:

§ 701.210 *Conservation practices and maximum rates of assistance* * * *

(c) Assistance for the practices contained in §§ 701.214, 701.223, 701.224, 701.231, 701.232, 701.241 (c), and 701.241 (d) may be given even though a good stand is not established, if the county committee determines, in accordance with standards approved by the State committee, that the practice was carried out in a manner which would normally result in the establishment of a good stand, and that failure to establish a good stand was due to reasons beyond the control of the producer. The county committee may require as a condition of assistance in such cases that the area be reseeded, or that other needed protective measures be carried out.

2. Section 701.277 is amended by adding paragraph (e) as follows:

§ 701.277 *Deduction.* * * *

(e) Notwithstanding other provisions of this section and the provisions of § 701.275, in cases where the county committee, in accordance with standards approved by the State committee, determines (1) that due to reasons beyond his control the producer to whom materials were furnished cannot use them to carry out the practice for which the materials were furnished, (2) that the materials cannot be used effectively by the producer to carry out other approved conservation measures on the farm before there is a likelihood of deterioration of the materials, and (3) that it is impracticable to repossess the materials or transfer the materials to another producer, title to the materials may be transferred to the producer upon payment to the Treasurer of the United States of an amount equal to the deduction determined under the provisions of paragraph (a) of this section.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended; 16 U. S. C. 590g–590q)

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

FEBRUARY 6, 1951.

[F. R. Doc. 51–2019; Filed, Feb. 8, 1951; 8:47 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 921—MILK IN THE SPRINGFIELD, MO., MARKETING AREA

ORDER REGULATING THE HANDLING OF MILK IN THE SPRINGFIELD, MISSOURI, MARKETING AREA

AUTHORITY: §§ 921.0 to 921.101 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 921.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held April 17–20, 1950, at Springfield, Missouri, upon a proposed marketing agreement and a proposed order, regulating the handling of milk in the Springfield, Missouri, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(4) All milk and milk products, handled by handlers, as defined in this part, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expenses, 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to all (i) producer milk (including such handler's own production) received during the month and (ii) other source milk required to be reported during the month.

(b) *Additional findings.* It is necessary, in the public interest, to make the several provisions of this order effective as hereinafter set forth. Any further delay in the effective date of the order will seriously threaten the orderly marketing and supply of milk in the Springfield, Missouri, marketing area. The need for the order is also disclosed by the decision (16 F. R. 463) which was executed on January 15, 1951. The provisions of the order are well known to handlers—the public hearing having been held on April 17–20, 1950, the recommended decision having been published in the FEDERAL REGISTER (15 F. R. 7017) on October 20, 1950, and the final decision (16 F. R. 463) having been executed by the Secretary on January 15, 1951. Reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order effective March 1, 1951, and that it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order 30 days after its publication in the FEDERAL REGISTER (see section 4 (c) Administrative Procedure Act, Public Law 404, 79th Congress, 60 Stat. 237; 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order which is marketed within the Springfield, Missouri, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order is approved or favored by at least two-thirds of the producers who participated in a referendum on the question of approval of its issuance, and who, during the determined representative period (October 1950), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Springfield, Missouri, marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 921.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 921.2 *Secretary.* "Secretary" means the Secretary of Agriculture or other officer or employee of the United States authorized to exercise the powers or to perform the duties, pursuant to the act of the Secretary of Agriculture.

§ 921.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency as is authorized to perform the price reporting functions specified herein.

§ 921.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 921.5 *Delivery period.* "Delivery period" means a calendar month during which this order or any amendment thereto is in effect.

§ 921.6 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines (a) to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act", (b) to have full authority in the sale of milk of its members, and (c) to be engaged in making collective sales or marketing milk or its products for its members.

§ 921.7 *Springfield, Missouri, marketing area.* "Springfield, Missouri, marketing area," hereinafter called the marketing area, means all of the territory within the limits of the city of Springfield, Missouri.

§ 921.8 *Producer.* "Producer" means any person other than a producer-handler who produces milk under a dairy farm permit or rating issued by the appropriate health authority of the City of Springfield, Missouri, for the production of milk intended for consumption as Grade A milk in the marketing area, which milk is received at an approved plant directly from the farm at which produced, or is caused to be diverted by a handler from an approved plant to an unapproved plant. Milk so diverted shall be deemed to have been received at an approved plant by the handler who caused it to be diverted. This definition shall not include a person defined as a producer under another Federal milk marketing order with respect to milk produced by him which is received at a plant operated by a handler who is subject to regulation with respect to such milk under such other order and who is partially exempt from the provisions of this order pursuant to § 921.62.

§ 921.9 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of an approved plant; or

(b) Any cooperative association with respect to the milk of any producer which is diverted from an approved

plant to an unapproved plant by such cooperative association for its account.

§ 921.10 *Approved plant.* "Approved plant" means any milk plant or portion thereof which is approved by the appropriate health authority of the City of Springfield, Missouri, for the handling of milk in the marketing area, and from which Class I milk is disposed of in the marketing area on wholesale or retail routes (including plant stores and routes operated by vendors.)

§ 921.11 *Unapproved plant.* "Unapproved plant" means any milk processing, distributing, or manufacturing plant which is not an approved plant.

§ 921.12 *Producer milk.* "Producer milk" means all skim milk and butterfat produced by a producer, which is received by a handler either directly from such producers or from other handlers.

§ 921.13 *Other source milk.* "Other source milk" means all skim milk and butterfat other than that contained in producer milk.

§ 921.14 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant, but who receives no milk from producers.

MARKET ADMINISTRATOR

§ 921.20 *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 921.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violation;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 921.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date upon which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Cause to be paid out of the funds provided by § 921.87 the cost of his bond and those of his employees, his own compensation, and all other expenses (except those incurred under § 921.86) necessarily incurred by him in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as the Secretary may request;

(g) Audit all reports and payments of each handler by inspection of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(h) Publicly disclose at his discretion unless otherwise directed by the Secretary, the name of any person who, within 15 days after the date upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 921.30 through 921.32, or (2) payments pursuant to §§ 921.80 through 921.87.

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices and butterfat differentials determined for each delivery period as follows:

(1) On or before the 6th day after the end of each delivery period, the prices and butterfat differentials for each class of milk computed pursuant to §§ 921.51 and 921.52; and

(2) On or before the 12th day after the end of such delivery period, the uniform price computed pursuant to § 921.71 and the butterfat differential computed pursuant to § 921.82; and

(j) Prepare and disseminate publicly such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 921.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each delivery period, each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in all receipts at each of his approved plants within such delivery period.

(1) Of milk from producers (including his own farm production),

(2) From other handlers, and

(3) Of other source milk (except nonfluid Class II products disposed of in the form in which received without further processing or packaging by the handler).

(b) The utilization of all skim milk and butterfat required to be reported pursuant to paragraph (a) of this section, including a separate statement of the disposition of Class I milk on routes wholly outside of the marketing area;

(c) The name and address of each producer from whom milk was received for the first time, and the date on which such milk was first received;

(d) The name and address of each producer who discontinued deliveries of milk, and the date on which delivery ceased; and

(e) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 921.31 *Reports of payments to producers.* On or before the 20th day after the end of each delivery period, each handler who purchased or received milk from producers shall submit to the market administrator his producer payroll for such delivery period which shall show for each producer;

(a) The total pounds of milk received and the average butterfat content thereof,

(b) The amount of payment to each producer or cooperative association, with the prices, deductions, and charges involved.

§ 921.32 *Reports of producer-handlers.* Each producer-handler shall make report to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 921.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business, such accounts and records of his operations, and such facilities, as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and end of each delivery period.

§ 921.34 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if within such three year period, the market administrator notifies the handler in writing that the retention of such books and records or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records or specified books and records until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the books and records are no longer necessary in connection therewith.

CLASSIFICATION

§ 921.40 *Basis of classification.* All skim milk and butterfat received within the delivery period by a handler at his approved plant(s) which is required to be reported pursuant to § 921.30 shall be classified by the market administrator pursuant to the provisions of §§ 921.41 to 921.46.

§ 921.41 *Classes of utilization.* Subject to the conditions set forth in §§ 921.43 and 921.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat disposed of in fluid form as milk, skim milk, buttermilk, milk drinks (plain or flavored), cream (fresh or sour) and products required by the health authority of the City of Springfield, Missouri, to be made from approved butterfat and skim milk; and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section.

(b) Class II milk shall be all skim milk and butterfat, (1) used to produce any product other than those specified in paragraph (a) of this section, (2) in inventory variation of milk, skim milk, cream, or any Class I product, (3) in shrinkage allocated to receipts of milk from producers, but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively, and (4) in shrinkage allocated to receipts of other source milk.

§ 921.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat respectively for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat in producer milk and in other source milk.

§ 921.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 921.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to the approved plant of another handler (except a producer-handler) unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the seventh day after the end of the delivery period within which such transaction occurred: *Provided,* That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II in the plant of the transferee handler after the subtraction of other source milk pursuant to § 921.46 and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk: *And provided further,* That if either or both handlers have received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk;

(b) As Class I milk if transferred to a producer-handler in the form of milk, skim milk, or cream;

(c) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream to an unapproved plant located 125 miles or more by shortest highway distance, as determined by the market administrator, from the City Hall in Springfield, Missouri;

(d) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to an unapproved plant located less than 125 miles from the City Hall in Springfield, Missouri, unless:

(1) The handler claims Class II on the basis of utilization mutually indicated in writing to the market administrator by both buyer and seller on or before the seventh day after the end of the delivery period within which such transaction occurred;

(2) The buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification; and

(3) Not less than an equivalent amount of skim milk and butterfat was actually used as Class II milk in such buyer's plant.

§ 921.45 *Computation of skim milk and butterfat in each class.* For each delivery period the market administrator shall correct mathematical and other obvious errors in the report of receipts and utilization submitted by each handler, and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk, for such handler.

§ 921.46 *Allocation of skim milk and butterfat classified.* After computing the classification of all skim milk and butterfat received by a handler pursuant to § 921.45, the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 921.41 (b) (3);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk contained in other source milk;

(3) Subtract from the pounds of skim milk remaining in each class the skim milk received from other handlers according to its classification pursuant to § 921.44 (a);

(4) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(5) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk received in milk from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage."

(b) Determine the pounds of butterfat in each class to be allocated to milk received from producers in the same manner prescribed for skim milk in paragraph (a) of this section.

(c) Add the pounds of skim milk and the pounds of butterfat allocated to milk received from producers in each class, respectively, as computed pursuant to paragraphs (a) and (b) of this section and determine the weighted average butterfat content of the milk in each class.

MINIMUM PRICES

§ 921.50 *Basic formula price.* The basic formula price per hundredweight to be used in determining the prices set forth in § 921.51 shall be the higher of the prices per hundredweight for milk of 3.5 percent butterfat content computed pursuant to paragraphs (a) and (b) of this section.

(a) Determine the arithmetical average of the basic or field prices to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

Present Operator and Location

Carnation Co., Ava, Mo.
Carnation Co., Seymour, Mo.
Pet Milk Co., Greenville, Ill.
Litchfield Creamery Co., Litchfield, Ill.
Indiana Condensed Milk Co., Bunker Hill, Ill.
Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
Borden Co., New London, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed as follows: Multiply by 3.5 the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the delivery period, add 20 percent thereof, and add or subtract, as the case may be, to such sum 3½ cents for each full ½ cent that the weighted average of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period by the Department, is above 5½ cents.

§ 921.51 *Class prices.* Subject to the differentials set forth in § 921.52, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers dur-

ing the delivery period shall be as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price plus the following amounts: $1.08 for the delivery periods of July through December; 83 cents for the delivery periods of January through March; and 63 cents for the delivery periods of April through June: *Provided,* That if, after this order shall have been effective for 12 months, during the 12 months prior to the month immediately preceding each of the following delivery period groups, the total volume of milk received from producers by all handlers was more or less than 115 percent of the total Class I milk disposed of by all handlers (other than producer-handlers, and those partially exempt from this part pursuant to § 921.62) during such 12 months period the following adjustments shall be made to the price for Class I milk for the respective groups of delivery periods:

Delivery period group	For each percentage point that receipts from producers as a percent of class I milk is	
	Below 115 percent (add)	Above 115 percent (subtract)
	Cents	*Cents*
January through March	1	2
April through June	0	2
July through December	2	2

And provided further, That for all delivery periods other than April, May and June from the effective date of this part until the date at which any adjustment, if required, could be effective under the proviso immediately preceding, the Class I price shall be increased 15 cents per hundredweight.

(b) *Class II milk.* The price for Class II milk shall be the basic formula price, except that for the delivery periods of April, May, June and July 1951 the price for Class II milk shall be such basic formula price less 15 cents.

§ 921.52 *Butterfat differentials to handlers.* If the weighted average butterfat content of the milk received from producers classified respectively, in Class I milk or Class II milk for a handler is more or less than 3.5 percent, there shall be added to, or subtracted from, the respective class price computed pursuant to § 921.51 for each one-tenth of one percent that such weighted average butterfat content is above or below 3.5 percent, a butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the delivery period by the applicable factor listed below and dividing the result by 10:

(a) *Class I milk.* Multiply by 1.25;

(b) *Class II milk.* Multiply by 1.20.

APPLICATION OF PROVISIONS

§ 921.60 *Producer-handlers.* The provisions of §§ 921.40 through 921.46, 921.50 through 921.52, 921.61, 921.70 and 921.71, 921.80 through 921.88, shall not apply to a producer-handler.

§ 921.61 *Interhandler transfers.* Milk which is caused to be diverted by a handler directly from producers' farms to an approved plant of another handler for not more than 15 days during any delivery period shall be considered as having been received by the handler who caused the milk to be diverted; milk received at an approved plant for more than 15 days during any delivery period shall be considered to have been received by the handler who operates such approved plant.

§ 921.62 *Milk priced under other Federal orders.* In case skim milk or butterfat which is priced under another Federal milk marketing agreement or order issued pursuant to the act is disposed of as Class I milk in the marketing area on a route operated by or for a handler who is subject to regulation as a handler as defined in such other agreement or order, the provisions of this part shall not apply except as follows:

(a) The handler shall, with respect to his total receipts and utilization of milk, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(b) If the price which such handler is required to pay under the other Federal order to which he is subject for milk which would be classified as Class I milk under this part, is less than the price provided by this part, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all milk disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such milk as computed pursuant to this order and its value as determined pursuant to the other order to which he is subject.

DETERMINATION OF UNIFORM PRICE

§ 921.70 *Computation of value of milk.* The value of milk received during each delivery period by each handler from producers shall be the sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices, and adding together the resulting amounts: *Provided,* That if the handler had overage of either skim milk or butterfat, there shall be added an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 921.46 by the applicable class prices.

§ 921.71 *Computation of uniform price.* For each delivery period the market administrator shall compute the uniform price per hundredweight for milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 921.70 of all handlers who made the reports prescribed in § 921.30 and who made the payments prescribed in §§ 921.80 through 921.83 for the previous delivery period;

(b) Add the unobligated balance in the producer-settlement fund;

(c) Subtract, if the weighted average butterfat content of the milk included in these computations is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 921.81, and multiplying the resulting figure by the total hundredweight of such milk;

(d) Divide the resulting amount by the total hundredweight of milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for milk of 3.5 percent butterfat content received from producers.

PAYMENTS

§ 921.80 *Time and method of payment.* Each handler shall make payments as follows:

(a) On or before the 15th day after the end of each delivery period, to each producer for whom payment is not received from the handler by a cooperative association pursuant to paragraph (c) of this section, at not less than the uniform price computed pursuant to § 921.71 adjusted by the butterfat differential computed pursuant to § 921.81 and less the amount of (1) the payment made pursuant to paragraph (b) of this section, (2) marketing service deductions pursuant to § 921.88 and (3) deductions authorized by the producer: *Provided,* That if by such date such handler has not received full payment for such delivery period pursuant to § 921.84, he may reduce his total payments to all producers uniformly by not more than the amount of the reduction in payments from the market administrator; and the handler shall, however, complete such payments not later than the date for making payments pursuant to this paragraph next following after receipt of the balance from the market administrator.

(b) On or before the 28th day of each delivery period, to each producer for whom payment is not received from the handler by a cooperative association pursuant to paragraph (c) of this section, for milk received from him during the first 15 days of the delivery period at not less than the Class II price for the preceding delivery period.

(c) On or before the 13th day after the end of each delivery period, and on or before the 26th day of the delivery period, in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section, to a cooperative association which so requests, with respect to producers for whose milk such cooperative association is authorized to collect payment, an amount equal to the sum of the individual payments otherwise payable to such producers.

(d) In making payments to producers pursuant to paragraph (a) of this section each handler shall furnish each producer with a supporting statement in

such form that it may be retained by the producer which shall show:

(1) The delivery period and the identity of the handler and of the producer;

(2) The total pounds of milk delivered by the producer, and the average butterfat test thereof, and the pounds per shipment, if such information is not furnished to the producer each day;

(3) The minimum rate or rates at which payment to the producer is required under the provisions of this section;

(4) The rate which is used in making the payment if such rate is other than the applicable minimum rate;

(5) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deduction claimed under paragraph (b) of this section and § 921.86 together with a description of the respective deductions; and

(6) The net amount of payment to the producer.

In making payment to a cooperative association pursuant to paragraph (c) of this section, each handler shall furnish the above information to the cooperative association with respect to each producer for whom such payment is made.

(e) Nothing in this section shall abrogate the right of a cooperative association to make payment to its member producers in accordance with the payment plan of such cooperative association.

§ 921.81 *Producer butterfat differential.* In making payments pursuant to § 921.80 (a) each handler shall add to or subtract from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 3.5 percent an amount computed by multiplying by 1.2 the simple average as computed by the market administrator of the daily wholesale prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the delivery period, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 921.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 921.83 and 921.62 (b), and all appropriate payments pursuant to § 921.85 and out of which he shall make all payments to handlers pursuant to § 921.84 and appropriate payments pursuant to § 921.85: *Provided*, That payment due to any handler shall be offset by payments due from such handler.

§ 921.83 *Payments to the producer-settlement fund.* On or before the 13th day after the end of each delivery period, each handler shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers, as determined pursuant to § 921.70, is greater than an amount computed by multiplying the hundredweight of such milk by the uniform price adjusted by the producer butterfat differential.

§ 921.84 *Payments out of the producer-settlement fund.* On or before the 14th day after the end of each delivery period, the market administrator shall pay to each handler the amount, if any, by which the value of the milk received by such handler from producers, as determined pursuant to §921.70 is less than an amount computed by multiplying the hundredweight of such milk by the uniform price adjusted by the producer butterfat differential: *Provided*, That if at such time the balance in the producer-settlement fund is insufficient to make payment pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 921.85 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 921.86 *Marketing services*—(a) *Deductions.* Except as set forth in paragraph (b) of this section, each handler in making payments to producers (other than himself) pursuant to § 921.80 shall deduct 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all milk received by such handler from producers during the delivery period and shall pay such deductions to the market administrator on or before the 15th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples and tests of milk received from, and to provide market information to such producers.

(b) *Deductions with respect to members of a producers' cooperative association.* In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from the payments to be made directly to producers pursuant to § 921.80 (a) as are authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 15th day after the end of such delivery period, pay over such deductions to the cooperative association rendering such services.

§ 921.87 *Expense of administration.* As his pro rata share of the expense of administration hereof each handler shall pay to the market administrator, on or before the 15th day after the end of the delivery period, 5 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to all receipts within the delivery period of producer milk (including such handler's own production) and other source milk required to be reported.

§ 921.88 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The delivery period during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part to make available to the market administrator all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section notify the handler in writing of such failure or refusal. If the market administrator so notified a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the delivery period during which all such books and records pertaining to such obligation are made available to the market administrator.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applica-

ble period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 921.90 *Effective time.* The provisvons of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 921.91.

§ 921.91 *Suspension or termination.* The Secretary may suspend or terminate any or all of the provisions of this part, whenever he finds that they obstruct or do not tend to effectuate the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 921.92 *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions hereof there are any obligations arising under this part the final accrual or ascertainment of which require further acts by any person (including the market administrator) such further acts shall be performed notwithstanding such suspension or termination.

§ 921.93 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 921.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 921.101 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 6th day of February 1951, to be effective on and after the 1st day of March 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-2055; Filed, Feb. 8, 1951; 8:56 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS DELETING REFERENCES TO FORM G–81

JANUARY 26, 1951.

The following amendments to Chapter I, Title 8 of the Code of Federal Regulations, are hereby prescribed:

Subchapter B—Immigration Regulations

PART 125—STUDENTS

The last sentence of paragraph (e) of § 125.12, *Records of admission, readmission, and departure,* is amended to read as follows: "If it is found that the student has been readmitted to the United States under another status, the file relating to the alien shall be transferred, where necessary, to the district acquiring jurisdiction over the alien following his readmission."

b. The last sentence of § 125.14, *Transfers from one school to another,* is amended to read as follows: "When a student is permitted to transfer from one approved institution to another and the institution to which he transfers is located in another immigration district, the district director of the first district shall forward the file (including any duplicate copy of Form I–94) pertaining to the student to the director of the district to which the student transfers."

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458. Interpret or apply secs. 4, 13, 15, as amended; 43 Stat. 155, 161, 162, 47 Stat. 524, 50 Stat. 165, 54 Stat. 711, 59 Stat. 672; 8 U. S. C. 204, 213, 215)

PART 142—PREEXAMINATION OF ALIENS WITHIN THE UNITED STATES

The last sentence of paragraph (b) of § 142.7, *Notification of authorization,* is amended to read as follows: "If no appeal is taken, the district director shall direct such further action as may be deemed appropriate for the disposition of the case."

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458)

PART 157—REMOVAL OF DISTRESSED ALIENS FROM THE UNITED STATES

The last sentence of paragraph (a) of § 157.5, *Final disposition,* is amended to read as follows: "If the district director finds that the alien is not entitled to be removed, he shall deny the application."

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458. Interprets or applies sec. 23, 39 Stat. 892, 50 Stat. 164; 8 U. S. C. 102)

PART 164—PERMIT TO REENTER THE UNITED STATES

a. Paragraph (a) of § 164.4, *Issuance; effect; delivery in the United States,* is amended by deleting the last sentence, which reads as follows: "Whenever the district director issues a reentry permit, notice of such action on Form G–81 shall be sent to the Central Office."

b. The first sentence of paragraph (c) of § 164.4 is amended to read as follows: "Whenever an application for a permit to reenter the United States is denied and no appeal is taken, the fee shall be returned to the applicant."

c. Paragraph (b) of § 164.6, *Extensions,* is amended by deleting the last sentence thereof, which reads as follows: "If the extension is granted by a district director, the Central Office shall be notified on Form G–81 of such action."

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 37, 54 Stat. 675; 8 U. S. C. 102, 222, 458. Interpret or apply sec. 10, 43 Stat. 155; 8 U. S. C. 210)

Subchapter D—Nationality Regulations

PART 362—REGISTRY OF ALIENS UNDER NATIONALITY ACT OF 1940

a. Paragraph (b) of § 362.10, *Record, recommendation, review, and disposition,* is amended by deleting the last sentence thereof, which reads as follows: "The Central Office shall be notified on Form C–81 of the action taken."

b. Paragraph (e) of § 362.10 is amended by deleting the last sentence thereof, which reads as follows: "If no appeal is taken, the Central Office shall be notified on Form C–81 of the action taken by the district director."

(Sec. 37, 327, 54 Stat. 675, 1150; 8 U. S. C. 458, 727. Interprets or applies secs. 328, 342, 54 Stat. 1152, 1161; 8 U. S. C. 728, 742)

PART 379—CERTIFICATES OF CITIZENSHIP UNDER SECTION 339 OF THE NATIONALITY ACT OF 1940, AS AMENDED

Paragraph (d) of § 379.7, *Record; recommendation; review; issuance of certificate,* is amended by deleting the last sentence thereof, which reads as follows: "If no appeal is taken, the Central Office shall be notified on Form C–81 of the action taken by the district director."

(Sec. 37, 327, 54 Stat. 675, 1150; 8 U. S. C. 458, 727. Interprets or applies sec. 339, 54 Stat. 1160, 58 Stat. 4, 61 Stat. 414; 8 U. S. C. 601 note, 739)

PART 382—NATURALIZATION PAPERS REPLACED: NEW CERTIFICATE IN CHANGED NAME

Paragraph (d) of § 382.5, *New papers; by whom issued; forms; numbering,* is amended by deleting the last sentence thereof, which reads as follows: "If no appeal is taken, the Central Office shall be notified on Form C–81 of the action by the district director."

(Secs. 37, 327, 54 Stat. 675, 1150; 8 U. S. C. 458, 727. Interprets or applies secs. 341, 342, 54 Stat. 1161, 58 Stat. 755; 8 U. S. C. 741, 742)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. The requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date are inapplicable for the reason that the amendments which are prescribed in this order pertain solely to agency procedure.

(Sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, secs. 37, 327, 54 Stat. 675, 1150; 8 U. S. C. 102, 222, 458, 727)

[SEAL] A. R. MACKEY,
Acting Commissioner of Immigration and Naturalization.

Approved: February 5, 1951.

PEYTON FORD,
Acting Attorney General.

[F. R. Doc. 51-2028; Filed, Feb. 8, 1951; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 2, Amdt. 10]

PART 60—AIR TRAFFIC RULES

MINIMUM ENROUTE INSTRUMENT ALTITUDES

The minimum enroute instrument altitude alterations appearing hereinafter are adopted when indicated in order to promote safety of the flying public. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Part 60 is amended as follows:

1. Section 60.17-14 *Green Civil Airway No. 4 is amended to read in part:*

From—	To—	Minimum altitude
Int. S. crs. St. Joseph, Mo. (LFR) and Kansas City, Mo. (VOR), radial 224.	Kansas City, Mo. (VOR), via radial 224.	2,200

2. Section 60.17-102 *Amber Civil Airway No. 2* is amended to read in part:

From—	To—	Minimum altitude
Cut Bank, Mont. (LFR).	Lethbridge, Alberta, Can. (LFR).	6,000

3. Section 60.17-104 *Amber Civil Airway No. 4* is amended to read in part:

From—	To—	Minimum altitude
Fort Worth, Tex. (LFR).	Abeam Ardmore, Okla (Rbn).	2,000
Abeam Ardmore, Okla. (Rbn).	Oklahoma City, Okla. (LFR).	2,500
Glenwood (INT), Nebr.	Omaha, Nebr. (LFR).	2,500

4. Section 60.17-107 *Amber Civil Airway No. 7* is amended to read in part:

From—	To—	Minimum altitude
Melbourne, Fla. (LFR).	Daytona Beach, Fla. (LFR).	1,400
Daytona Beach, Fla. (LFR).	Jacksonville, Fla. (LFR).	1,400
Jacksonville, Fla. (LFR).	Savannah, Ga. (LFR).	1,300
Bedford (INT), Mass.	Boston, Mass. (LFR).	1,700

5. Section 60.17-208 *Red Civil Airway No. 8* is amended to eliminate:

From—	To—	Minimum altitude
Williamsport, Pa.	Kingston (INT), Pa.	3,600

6. Section 60.17-210 *Red Civil Airway No. 10* is amended to read in part:

From—	To—	Minimum altitude
Atlanta, Ga. (LFR).	Augusta, Ga. (LFR).	2,300

7. Section 60.17-210 *Red Civil Airway No. 10* is amended to eliminate:

From—	To—	Minimum altitude
Bold Spring (INT), Ga.	Augusta, Ga. (LFR).	2,800

8. Section 60.17-211 *Red Civil Airway No. 11* is amended to read in part:

From—	To—	Minimum altitude
Capron (INT), Okla.	Enid, Okla. (Vance LFR).	2,600
Enid, Okla. (Vance LFR).	Mulhall (INT), Okla.	2,600

9. Section 60.17-221 *Red Civil Airway No. 21* is amended to eliminate:

From—	To—	Minimum altitude
Int. S. crs. Wilkes-Barre, Pa. (LFR) and W. crs. Newark, N. J. (LFR).	Belfast (INT), Pa.	3,000
Belfast (INT), Pa.	Newark, N. J. (LFR).	-------

10. Section 60.17-221 *Red Civil Airway No. 21* is amended to read in part:

From—	To—	Minimum altitude
Williamsport, Pa. (LFR).	Int. SE. crs. Williamsport, Pa. (LFR) and SW. crs. Wilkes-Barre, Pa. (LFR).	3,500
Int. SE. crs. Williamsport, Pa. (LFR) and SW. crs. Wilkes-Barre, Pa. (LFR).	Int. NE. crs. Allentown, Pa. (LFR) and NW. crs. Newark, N. J. (LFR).	4,000
Int. NE. crs. Allentown, Pa. (LFR) and NW. crs. Newark, N. J. (LFR).	Newark, N. J. (LFR).	2,700

11. Section 60.17-226 *Red Civil Airway No. 26* is amended to read in part:

From—	To—	Minimum altitude
Wilkes-Barre, Pa. (LFR).	Slatington (INT), Pa.	4,000

12. Section 60.17-229 *Red Civil Airway No. 29* is amended to read in part:

From—	To—	Minimum altitude
West Henrietta (INT), N. Y.	Mt. Morris (INT), N. Y.[1]	2,700

[1] 3,500 feet—Minimum crossing altitude at Mt. Morris (INT), south-bound.

13. Section 60.17-259 *Red Civil Airway No. 59* is amended to read in part:

From—	To—	Minimum altitude
Garden City, Kans. (LFR).	Int. S. crs. Garden City, Kans. (LFR) and NW. crs. Gage, Okla. (LFR).	4,300
Int. S. crs. Garden City, Kans. (LFR) and NW. crs. Gage, Okla. (LFR).	Gage, Okla. (LFR).	4,000

14. Section 60.17-268 *Red Civil Airway No. 68* is amended to read in part:

From—	To—	Minimum altitude
San Angelo, Tex. (LFR).	Paint Rock (INT), Tex.	3,500
Tyler, Tex. (LFR).	Gregg County, Tex. (Rbn).	1,900
Gregg County, Tex. (Rbn).	Shreveport, La. (LFR).	1,700

15. Section 60.17-268 *Red Civil Airway No. 68* is amended by adding:

From—	To—	Minimum altitude
Hobbs, N. Mex. (LFR).	Int. E. crs. Hobbs, N. Mex. (LFR) and S. crs. Lubbock, Tex. (LFR).	5,000

16. Section 60.17-613 *Blue Civil Airway No. 13* is amended to read in part:

From—	To—	Minimum altitude
Belton (INT), Mo.	Kansas City, Mo. (LFR).	2,700

17. Section 60.17-632 *Blue Civil Airway No. 32* is amended to read in part:

From—	To—	Minimum altitude
Dungeness (INT), Wash.	Patricia Bay, British Columbia, Canada (LFR).	2,500

18. Section 60.17-670 *Blue Civil Airway No. 70* is amended to read:

From—	To—	Minimum altitude
Ardmore, Okla. (Rbn).	Abeam Oklahoma City, Okla. (LFR).	2,700
Abeam Oklahoma City, Okla. (LFR).	Tulsa, Okla. (LFR).	2,200

19. Section 60.17–672 *Blue Civil Airway No. 72* is amended to read:

From—	To—	Minimum altitude
Enid, Okla. (Vance LFR).	Blackwell (INT), Okla.	2,600

20. Section 60.17–1002 *Direct route; Southeast United States* is amended by adding:

From—	To—	Minimum altitude
Fort Worth, Tex. (LFR).	Int. SW. crs. Wichita Falls, Tex. (LFR) and a direct crs. between Fort Worth, Tex. (LFR) and Lubbock, Tex. (LFR).	2,500
Int. SW. crs. Wichita Falls, Tex. (LFR) and a direct crs. between Fort Worth, Tex. (LFR) and Lubbock, Tex. (LFR).	Int. S. crs. Guthrie, Tex. (VAR) and a direct crs. between Fort Worth, Tex. (LFR) and Lubbock, Tex. (LFR).	3,500
Int. S. crs. Guthrie, Tex. (VAR) and a direct crs. between Fort Worth, Tex. (LFR) and Lubbock, Tex. (LFR).	Lubbock, Tex. (LFR).	4,500

21. Section 60.17–1002 *Direct route; Southeast United States* is amended to read in part:

From—	To—	Minimum altitude
Joaquin, Tex. (VAR)	Tyler, Tex. (LFR)	1,900

22. Section 60.17–1002 *Direct route; Southeast United States* is amended to eliminate:

From—	To—	Minimum altitude
Augusta, Ga.	Atlanta, Ga.	2,300

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective February 9, 1951.

L. C. ELLIOTT,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 51-2009; Filed, Feb. 8, 1951; 8:46 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter II—The Tax Court of the United States

PART 701—RULES OF PRACTICE

ADMISSION TO PRACTICE

Section 701.2 is amended to read, as follows:

§ 701.2 *Admission to practice.* (a) An applicant who establishes to the satisfaction of the Court that he or she is a citizen of the United States, of good moral character and repute, and possessed of the requisite qualifications to represent others in the preparation and trial of cases, may be admitted to practice before the Court subject to the specific requirements stated hereafter in this section.

(b) Each application must be on the form provided by the Court. Application forms and other necessary information will be furnished upon request addressed to the Enrollment Clerk of this Court, Box 70, Washington 4, D. C.

(c) An attorney-at-law may be admitted to practice upon filing with the Enrollment Clerk a completed application accompanied by a current certificate from the Clerk of the appropriate court, showing that the applicant has been admitted to practice before and is a member in good standing of the Bar of the Supreme Court of the United States, or of the highest court of any State, or Territory, or of the District of Columbia.

(d) An applicant, not an attorney-at-law, as a condition of being admitted to practice, must pass a written examination given by the Court and the Court may require such person in addition, to take an oral examination. Any person who has thrice failed such examinations shall not thereafter be eligible to take another examination for admission.

(e) An applicant for admission by examination must be sponsored by at least three persons theretofore enrolled to practice before this Court, and each sponsor must send a letter of recommendation directly to the Enrollment Clerk of the Court where it will be treated as a confidential communication. The sponsor shall send in his letter promptly, stating therein fully and frankly the extent of his acquaintance with the applicant, his opinion of the moral character and repute of the applicant, and his opinion of the qualifications of the applicant to practice before this Court. The Court may in its discretion accept an applicant with less than three such sponsors.

(f) The Court will hold an examination for applicants at its offices in Washington, D. C., on the second Wednesday in September of each year, and at such other times and places as it may designate. The Court will notify each applicant, whose application is in order, of the time and place at which he is to present himself for examination, and the applicant must present that notice to the examiner as his authority for taking an examination. An applicant seeking to qualify by examination must accompany his application with a fee of $10; check or money order to be made payable to the "Treasurer of the United States."

(g) Corporations and firms will not be admitted or recognized.

(h) Practitioners before this Court shall carry on their practice in accordance with the letter and spirit of the canons of professional ethics as adopted by the American Bar Association.

(i) The Court may deny admission to, suspend, or disbar any person who in its judgment does not possess the requisite qualifications to represent others, or who is lacking in character, integrity, or proper professional conduct. No person shall be suspended for more than 60 days or disbarred until he has been afforded an opportunity to be heard. A Division may immediately suspend any person for not more than 60 days for contempt or misconduct during the course of any proceeding.

(j) The Court may require any practitioner before it to furnish a statement under oath of the terms and circumstances of his employment in any proceeding. (See § 701.24.)

(53 Stat. 160, as amended; 26 U. S. C. 1111)

Dated: February 5, 1951.

By the Court.

[SEAL] JOHN W. KERN,
Chief Judge,
The Tax Court of the United States.

[F. R. Doc. 51-2020; Filed, Feb. 8, 1951; 8:47 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter VIII—Office of Housing Expediter

[Controlled Housing Rent Reg., Corr. to Amdt. 270]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Corr. to Amdt. 267]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) and the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) are corrected in the following respects:

Items 1 and 2 of Amendment 270 to §§ 825.1 to 825.12 and Amendment 267 to §§ 825.81 to 825.92 are corrected to read as follows:

A. Paragraph (a) of § 825.81 shall read as follows:

(a) *Rooms in rooming houses, hotels and other establishments and defense-rental areas to which §§ 825.81 to 825.92 inclusive, apply.* Sections 825.81 to 825.92, inclusive (except the provisions contained in Schedule B), apply to all rooms in hotels, rooming houses, and other establishments and to all accommodations brought under §§ 825.81 to to 825.92, inclusive, by consent of the Area Rent Director pursuant to paragraph (e) of this section and to all accommodations brought under the "Hotel Regulation" by consent of the Area Rent Director pursuant to section 1 (e) of that regulation, within each of the defense-rental areas and each of the portions of a defense-rental area (each of which is referred to hereinafter in §§ 825.81 to 825.92, inclusive, as the "defense-rental area"), which are listed in Schedule A, except as provided in paragraph (b) of this section: *Provided, however,* That after December 31, 1950, said §§ 825.81 to 825.92 will apply only to said rooms and accommodations in those defense-rental areas which are listed in Schedule C.

In Schedule A of §§ 825.81 to 825.92, inclusive, the "maximum rent date" and

the "effective date of regulation" as established under the rent regulations issued pursuant to the Emergency Price Control Act of 1942, as amended, is given for each defense-rental area listed. These apply to defense-rental areas listed in Schedule C, as well as to those listed in Schedule A. More than one effective date is given for different portions of a defense-rental area where the same effective date is not applicable to the entire defense-rental area.

In Schedule B are set forth provisions which modify or supplement §§ 825.81 to 825.92, inclusive, insofar as it is applicable to certain individual defense-rental areas, or portions thereof.

In Schedule C are listed those localities and the defense-rental areas in which they are located, which, by reason of declarations made in accordance with section 204 (f) (1) of the act, will continue to be subject to §§ 825.81 to 825.92 after December 31, 1950. The name and number of each defense-rental area listed in Schedule C are the same as those which appear for the same defense-rental area in Schedule A.

B. A sentence is added to the last paragraph of § 825.1 (a), so that said last paragraph will read as follows:

In Schedule C are listed those localities and the defense-rental areas in which they are located, which by reason of declarations made in accordance with section 204 (f) (1) of the act, will continue to be subject to §§ 825.1 to 825.12 after December 31, 1950. The name and number of each defense-rental area listed in Schedule C are the same as those which appear for the same defense-rental area in Schedule A.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

This correction shall be effective as of August 18, 1950.

Issued this 6th day of February 1951.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 51-2029; Filed, Feb. 8, 1951; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter III—Office of Price Stabilization, Economic Stabilization Agency

[Ceiling Price Regulation 5]

CPR 5—IRON AND STEEL SCRAP

In F. R. Doc. 51-1937 (16 F. R. 1061), the fourth sentence of section 23 (a) (5), reading: "May not include galvanized, vitreous enameled stock tin plate, terne plate, or other metal coated material" is corrected to read as follows: "May include galvanized, but not vitreous enameled stock tin plate, terne plate, or other metal coated material."

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105)

MICHAEL V. DISALLE,
Director of Price Stabilization.

[F. R. Doc. 51-2117; Filed, Feb. 8, 1951; 11:47 a. m.]

[General Ceiling Price Regulation, Supplemental Regulation 1, Amdt. 1]

GCPR, SR 1—DEFENSE AGENCY PRICING

AMDT. 1—CERTAIN WOOL PRODUCTS SUPPLIED TO DEFENSE AGENCIES

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order No. 2 (16 F. R. 738), this Amendment 1 to Supplementary Regulation 1 (16 F. R. 1006) to the General Ceiling Price Regulation (16 F. R. 808) is hereby issued.

Statement of Considerations

Supplementary Regulation 1 exempts from the General Ceiling Price Regulation certain purchases and sales of defense materials and services and establishes a procedure for the adjustment of ceiling prices in hardship cases. The accompanying amendment to Supplementary Regulation 1 exempts from the General Ceiling Price Regulation sales of certain wool products when sold to Defense Agencies or their suppliers.

Due to the fact that in the woolen industry deliveries to Defense Agencies frequently are not scheduled to commence until several months after a contract has been signed, substantial increases in material costs which occurred during the months immediately preceding the issuance of the General Ceiling Price Regulation, were not reflected in the prices of goods which were actually delivered during the base period. It is common knowledge that there has been a very substantial increase in the price of raw wool, most of which is imported. It is necessary, therefore, in order to facilitate procurement of woolen products for the Defense Agencies, to provide a limited exemption from the General Ceiling Price Regulation until such time as a proper method for computing ceiling prices, other than the method established by the General Ceiling Price Regulation, can be formulated.

This amendment also makes two procedural changes in the method of granting individual hardship adjustments.

1. Section 2 of Supplementary Regulation 1 is amended to read as follows:

SEC. 2. *Temporary exemptions, commodities and services for military needs.* (a) Until April 1, 1951, the provisions of the General Ceiling Price Regulation shall not apply to sales, of commodities and services normally produced and supplied only for military use, to a Defense Agency or to any person for use in connection with a defense contract or subcontract.

(b) The provisions of the General Ceiling Price Regulation shall not apply to sales of the following commodities pursuant to a defense contract entered into upon the basis of invitations for bids issued on or before January 26, 1951, or pursuant to a subcontract thereunder: (1) Woolen and worsted yarns and textiles; (2) Raw, scoured, and pulled wool, wool top, noils, mohair and wool waste; (3) Articles which are made principally from woolen or worsted yarns and textiles (except those in which the woolen material is supplied by a defense agency).

2. Section 10 of Supplementary Regulation 1 is amended to read as follows:

SEC. 10. *Individual hardship adjustments.* The Director of Price Stabilization, on application for adjustment in accordance with Price Procedural Regulation 1, may adjust the ceiling price or prices of any seller who has entered into or proposes to enter into a defense contract or subcontract for the sale of a commodity or service essential to the defense program, whenever it appears that the ceiling prices impedes or threatens to impede the production, manufacture, or distribution of such commodity or the supply of such service.

3. Section 13 of Supplementary Regulation 1 is amended to read as follows:

SEC. 13. *Contracts and deliveries pending disposition of adjustment applications.* Upon the filing of an application for adjustment with the appropriate Defense Agency for transmittal to the Director of Price Stabilization and pending final disposition of the application, contracts may be entered into or proposals and bids may be submitted at the price or prices requested in the application and deliveries may be made under such contracts, but the seller may not receive and the buyer may not pay the amount by which the requested price exceeds the ceiling price unless and until an order granting a higher price has been issued. The seller shall include in any sale, contract to sell, or offer to sell at the price requested:

(a) The ceiling price for the commodity or service in question.

(b) A statement that the quoted price is subject to approval by the Director of Price Stabilization.

(c) A statement that an appropriate application has been filed with the Defense Agency for transmittal to the Director of Price Stabilization.

Effective date. This Amendment 1 is effective immediately.

(Sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105)

MICHAEL V. DISALLE,
Director of Price Stabilization.

FEBRUARY 7, 1951.

[F. R. Doc. 51-2118; Filed, Feb. 8, 1951; 11:48 a. m.]

[Price Procedural Regulation 2]

PPR 2—INDUSTRY ADVISORY COMMITTEES APPOINTED UNDER THE DEFENSE PRODUCTION ACT OF 1950

Pursuant to the Defense Production Act of 1950 (Pub. Law 774, 81st Cong.) Executive Order 10161 (15 F. R. 6105), and Economic Stabilization Agency General Order 2 (16 F. R. 738), the following rules are set forth for the appointment and administration of Industry Advisory Committees.

GENERAL

Sec.
1. Purpose.
2. Functions.
3. Meaning of "business" or "industry".

APPOINTMENTS

Sec.
4. Time of appointment.
5. Composition of Committees.
6. National or Regional Committees.
7. Eligibility for Committee membership.
8. Appointment of Committee members.
9. Alteration of Committees.
10. Maintenance of adequate membership.
11. Disbandment of a Committee.
12. Appointment of Subcommittees.

MEETINGS

13. The call.
14. The place.
15. Attendance.
16. Chairmanship.
17. Agenda.
18. Records of meetings.
19. Compensation and expenses.
20. Subcommittee meetings.

AUTHORITY: Sections 1 to 20 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong., E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

GENERAL

SECTION 1. *Purpose.* Industry Advisory Committees serve an important and useful purpose in consulting with and advising the Director of Price Stabilization in regard to industry and business matters which should be considered by him in the preparation, issuance, and modification of price regulations and orders. By using such committees, business and industry and the Office of Price Stabilization can easily exchange views and discuss problems of mutual interest in connection with the stabilization of prices.

SEC. 2. *Functions.* Industry Advisory Committees function only in an advisory capacity, and shall confine their activities to the providing of information, advice and recommendations. All decisions with regard to price controls and the carrying out of such decisions shall remain the sole responsibility and within the sole authority of the Office of Price Stabilization. In addition to consultation with Industry Advisory Committees the Office of Price Stabilization may from time to time consult with such other persons or groups of persons, including trade associations, as it may deem appropriate or desirable.

SEC. 3. *Meaning of "business" or "industry".* The determination as to what constitutes a "business" or "industry" within the meaning of this regulation will be made by the Director of Price Stabilization in the light of the relevant circumstances. The appropriate considerations in such a determination will be those which will insure to the persons substantially affected by ceiling price regulations or orders a means of consultation and recommendation, but which will at the same time permit a workable framework for such consultation and recommendation, taking into account the organization of the Office of Price Stabilization. An undue multiplicity of committees will be avoided.

APPOINTMENTS

SEC. 4. *Time of appointment.* From time to time, as the need arises and as far as practicable, the Director of Price Stabilization will appoint appropriate Industry Advisory Committees, representative of any business or industry with regard to which the preparation or issuance of a ceiling price regulation or order, is being contemplated or considered.

SEC. 5. *Composition of Committees.* The Director of Price Stabilization shall select the members of each Industry Advisory Committee in a way to assure fair representation for independent small, for medium and for large business enterprises, for different geographical areas, for trade association members and non-members, and for different segments of the business or industry affected.

SEC. 6. *National or Regional Committees.* The Director of Price Stabilization will appoint Industry Advisory Committees on a national or regional basis, as he deems desirable or appropriate.

SEC. 7. *Eligibility for Committee membership.* Eligibility for membership on Industry Advisory Committees shall be determined by present employment with a firm in the business or industry affected, in a supervisory, managerial or technical capacity related to the production, distribution, or use of a material or service.

SEC. 8. *Appointment of Committee members.* Appointment of Industry Advisory Committee members shall be by letter from the Director of Price Stabilization. This letter will contain the names of all members of the Committee. At the time of the appointment of the Committee a press release will be issued publicly announcing such appointment.

SEC. 9. *Alteration of Committees.* The Director of Price Stabilization may from time to time in his discretion enlarge, reduce or change the membership of an Industry Advisory Committee.

SEC. 10. *Maintenance of adequate membership.* Industry Advisory Committees shall be kept staffed with full membership at all times. A vacancy shall be filled promptly by a person with as nearly the same business or industrial background as the person he is replacing, keeping in mind the requirements of Sec. 4.

SEC. 11. *Disbandment of a Committee.* Whenever the Director of Price Stabilization finds that an Industry Advisory Committee has accomplished its purpose, or whenever he deems it desirable, he will order the disbandment of the Committee.

SEC. 12. *Appointment of Subcommittees.* The Director of Price Stabilization may appoint Subcommittees of an Industry Advisory Committee for the purpose of considering problems of a specialized or technical nature in the businesss or industry represented by the Committee, or for the purpose of handling special and non-recurring tasks. A Committee may request the appointment of a Subcommittee. The Director of Price Stabilization may appoint to Subcommittees persons who are not members of the Committee.

MEETINGS

SEC. 13. *The call.* When the Director of Price Stabilization desires that an Industry Advisory Committee be called, he shall issue an invitation sufficiently in advance to enable the members of the Committee to make arrangements to attend and to permit time for prior consideration of the issues involved. The Director of Price Stabilization may call a meeting when requested by three Committee members, if he deems it desirable.

SEC. 14. *The place.* Unless otherwise specified by the Director of Price Stabilization, all meetings shall be held in Washington, D. C. and shall be under his supervision.

SEC. 15. *Attendance.* Attendance at Industry Advisory Committee meetings shall be limited as follows:

(a) Members of the Committee. No alternates will be permitted.

(b) Representatives of the Office of Price Stabilization and representatives of other Government agencies invited by the Director of Price Stabilization.

(c) Any other persons who may be invited by the Director of Price Stabilization. No business or industry representatives, except members of the Committee, shall be permitted to attend unless invited by the Director of Price Stabilization.

SEC. 16. *Chairmanship.* The Director of Price Stabilization or his representative shall act as Chairman of each Industry Advisory Committee and shall preside over all Committee meetings.

SEC. 17. *Agenda.* The agenda for each meeting shall be initiated by the Director of Price Stabilization or his representative, and so far as practicable, shall be forwarded to the Committee in advance of the meeting.

SEC. 18. *Records of meetings.* Full and complete minutes shall be kept of the proceedings and a record shall be made of those in attendance at each meeting. A summary report of the meeting shall be mailed to Industry Advisory Committee members as expeditiously as possible, unless the Director of Price Stabilization or his representative determines otherwise, after consultation with the Committee.

SEC. 19. *Compensation and expenses.* The Office of Price Stabilization shall not pay any compensation or reimbursement of expenses to any members of Industry Advisory Committees.

SEC. 20. *Subcommittee meetings.* Subcommittees shall have as their chairmen representatives of the Office of Price Stabilization designated by the Director. Meetings of a Subcommittee shall be held at the call of the chairman and complete minutes of the meeting shall be kept. Upon the conclusion of its consideration of each matter referred to it by an Industry Advisory Committee, the Subcommittee shall submit its views and conclusions and recommendations thereon in writing to the Committee.

Effective date. This regulation is effective immediately.

MICHAEL V. DISALLE,
Director of Price Stabilization.

FEBRUARY 7, 1951.

[F. R. Doc. 51-2119; Filed, Feb. 8, 1951; 11:48 a. m.]

Chapter IV—Wage Stabilization Board, Economic Stabilization Agency

[General Regulation 5]

GR 5—Adjustments for Individual Employees

Pursuant to the Defense Production Act of 1950 (Public Law 774, 81st Cong.), Executive Order 10161 (15 F. R. 6105), General Wage Stabilization Regulation 1 (16 F. R. 816) and Economic Stabilization Agency General Order No. 3 (16 F. R. 739), this General Regulation No. 5 is hereby issued.

STATEMENT OF CONSIDERATIONS

This General Regulation is issued by the Wage Stabilization Board in discharge of its responsibilities under the provisions of the Defense Production Act of 1950, Executive Order 10161, General Order No. 3 and General Wage Stabilization Regulation 1 of the Economic Stabilization Administrator. It is designed to stabilize wages, salaries and other compensation and to effectuate the purposes and intent of said statute, orders, and regulation.

For the purpose of preparing itself for the discharge of its responsibilities, the Wage Stabilization Board heretofore distributed to representative labor and industry groups a series of questions, the answers to which would provide the Board with essential information for the development of wage stabilization policies. Thereafter, the Board conducted conferences which were attended by representatives of labor and industry, who presented their views respecting the development of wage stabilization policies. In the formulation of the provisions hereof there has thus been consultation with industry and labor representatives, including trade association and labor union representatives, and consideration has been given to their recommendations.

The effective administration of wage stabilization program rests largely on the degree of success achieved in ensuring that individual wage and salary adjustments be not misused for the purposes of evading or avoiding the requirements of law. Efficient industrial management, harmonious labor-management relations and high level production cannot be attained unless a large measure of flexibility and discretion is reserved to management, or to management and labor, as the case may be, in the operation of sound systems for merit and/or length of service increases, promotions or transfers, establishing rates for new or changed jobs, new hirings, etc. It is the intention of the Board in the accompanying general regulation to permit the operation and administration of such systems subject to the standards and controls set forth therein.

Sec.

AUTHORITY: Sections 0 to 9 issued under sec. 704, Pub. Law 774, 81st Cong. Interpret or apply Title IV, Pub. Law 774, 81st Cong.; E. O. 10161, Sept. 9, 1950, 15 F. R. 6105.

SECTION 0. *Regulation subject to future general regulation.* Pending the issuance of further general regulations on the subjects covered herein, individual wage or salary adjustments are authorized for employees, without prior approval of the Wage Stabilization Board, subject to this General Regulation No. 5.

SEC. 1. *Merit and/or length of service increases where plan exists.* Merit and/or length of service increases may be granted in accordance with a plan in effect on January 25, 1951, provided:

(a) That such a plan existed—

(1) In a written collective bargaining agreement in effect on or before January 25, 1951, or

(2) In the form of a written statement of policy or procedure or a written notice that had been furnished to or posted for the employees and which written statement or notice in effect on or before January 25, 1951, and that

(3) Such written agreement, statement, or notice, shall be kept available at all times for inspection by the Wage Stabilization Board, and

(b) That such a plan contains job classification rate ranges with clearly designated maximum rates; and

(c) That in accordance with the normal operation of such a plan the employee would normally be reviewed for a merit increase or entitled to a length of service increase at the time the increase is granted; and

(d) That if the plan provides for increases in specific amounts or percentage increases shall not be granted in excess of such amounts or percentages; and

(e) That if the plan does not provide for increases in specific amounts or percentages, the amount of increase granted to any individual employee shall not exceed the figure reached by dividing the total amount of the merit and/or length of service increases granted to individual employees in that classification during the calendar year 1950 by the number of employees in that classification who received such increases. Where job classifications are grouped into labor grades or levels and wage or salary rate administration has been in terms of such grades or levels, the average referred to may be computed for each such grade or level.

(f) That no employee's rate shall be raised above the maximum rate of his job classification.

SEC. 2. *Merit and/or length of service increases in absence of plan.* In the absence of an established plan meeting the requirements of section 1 above, merit and/or length of service increases may be granted subject to the following conditions:

(a) That the employee shall not have received a merit and/or length of service increase during the 12 calendar months preceding the effective date of such increase.

(b) That the number of employees whose rates may be increased in any one calendar month shall not exceed the proportionate number of increases granted per month during the calendar year 1950 in each bargaining unit or other appropriate groups of employees.

(c) That the increase granted an employee shall not exceed in amount the figure reached by dividing the total amount of merit and/or length of service increases granted to employees in the same job classification during the calendar year 1950, by the number of employees in that classification who received such increases; *Provided*, That in an establishment that has no system of job classifications, the increase shall not exceed in amount a figure similarly computed which averages the increases granted to employees doing similar work during the calendar year 1950. Where job classifications are grouped into labor grades or levels and wage or salary rate administration has been in terms of such grades or levels, the average referred to may be computed for each such grade or level.

(d) That no employee shall be raised to a rate higher than the maximum rate of the job classification, or in the absence of a formal system of rate ranges, than the highest rate paid to any employee doing similar work on January 25, 1951, except as such highest rate may have been raised pursuant to the terms of General Regulation No. 2 or other actions of the Board authorizing increases in wage or salary rates.

SEC. 3. *Promotions and transfers.* When a bona fide promotion or transfer of an employee to a higher job is made, the payment to such employee of the rate for such job is permissible provided:

(a) That the employee is required to perform the normal duties of the job to which he is promoted or transferred.

(b) That if the job to which the employee is promoted or transferred has a rate range, the rate within the range which he may be paid shall be governed by the practice followed under the terms of the applicable collective bargaining agreement, or under a written statement of policy or procedure existing and in actual operation on January 25, 1951. If such agreement or written statement does not exist, the employer shall follow the same practice in determining such rate as he followed in the calendar year 1950. In no event shall the employee receive a rate in excess of the maximum of the rate range to which he is promoted or transferred.

SEC. 4. *New or changed jobs.* Rates for new or changed jobs may be established in accordance with plans or procedures in effect on January 25, 1951, or, if no plan or procedure was in effect on such date, the rates established must be in balance with the existing rate structure. Slight or inconsequential changes in job content shall not provide the basis for establishing new job classifications,

rates or rate ranges nor justify changes in existing job classifications, rates or rate ranges.

SEC. 5. *Hiring of new employees.* A new employee may not be hired at a rate exceeding:

(a) The minimum of the rate range of the job classification into which he is hired, provided that an employee who has special ability and experience may be hired at a rate corresponding to such ability and experience within the rate range, or

(b) The rate of the job, or

(c) The minimum rate paid to any employees doing similar work during the pay period immediately preceding January 25, 1951, if the establishment has no system of job classification.

SEC. 6. *Permissible variations in earnings.* Variations in earnings of industrial employees subsequent to January 25, 1951, resulting from the following are permissible: *Provided,* Such variations result from the operation of collective bargaining agreements or other plans or practices in effect on or before January 25, 1951, and further provided that the method of application of such agreements, plans or practices is consistent with the method of application over a reasonable period of time prior to January 25, 1951:

(a) The normal operation or application of incentive rates or plans; or

(b) Change from one shift to another; or

(c) The normal operation of a system for payment of commission on sales or business transactions; or

(d) The payment of overtime, premium, or penalty rates; or

(e) Other similar auxiliary pay practices.

SEC. 7. *Rates subject to revision.* The rate or rate ranges within which this regulation is to be operative may be revised pursuant to the other applicable regulations of the Board.

SEC. 8. *Record keeping required.* The employer shall keep records of each wage or salary adjustment made pursuant to the terms of sections 1 through 5 of this general regulation in readily accessible form for inspection by the Wage Stabilization Board.

SEC. 9. *Increases shall not justify price increases.* Increases in the wage rates of employees granted under the terms of this general regulation shall not furnish a basis either to increase price ceilings or resist otherwise justifiable reductions in price ceilings.

Adopted by the Wage Stabilization Board. Dissenting: Labor Members Emil Rieve, Elmer E. Walker, Harry C. Bates.

NOTE: The record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued: February 5, 1951.

CYRUS S. CHING,
Chairman.

[F. R. Doc. 51-2080; Filed, Feb. 7, 1951; 4:35 p. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 21—COMMISSIONED OFFICERS

SUBPART Q—FOREIGN SERVICE ALLOWANCES

Effective January 1, 1951, Appendix A is amended as follows:

Morocco	Subsistence	Quarters	Total	Travel
Deleted from class XXII	$2.55	$1.50	$4.05	$9.00
Placed in class II	2.55	2.50	5.05	8.00

Effective February 1, 1951, Appendix A is amended as follows:

	From class—	To class—
London, England	XI	XXVIII
Belgium	X	XXIX
Netherlands	XXVI	XXX
Norway	XXII	XXXI
Denmark	V	XXXII
Paris, France	XIII	XXXIII
Rome, Italy	XXIV	XXXIV

Add new classifications as follows:

	Subsistence	Quarters	Total	Travel
Class XXVIII	$3.75	$3.00	$6.75	$11
Class XXIX	3.75	3.00	6.75	12
Class XXX	2.55	2.00	4.55	10
Class XXXI	2.55	3.75	6.30	10
Class XXXII	3.00	2.50	5.50	10
Class XXXIII	3.00	5.00	8.00	13
Class XXXIV	3.75	5.25	9.00	13

(Sec. 215, 58 Stat. 690; 42 U. S. C. 216)

Dated: January 29, 1951.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: February 2, 1951.

JOHN L. THURSTON,
Acting Administrator.

[F. R. Doc. 51-2025; Filed, Feb. 8, 1951; 8:48 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 9295]

PART 12—AMATEUR RADIO SERVICE

REPORT AND ORDER OF THE COMMISSION

On April 21, 1949, the Commission published a general notice of proposed rule making which set forth substantial changes in Part 12, "Rules Governing Amateur Radio Service." Numerous comments both for and against the proposed amendments were received, whereupon the Commission held an informal conference in its offices at Washington, D. C., during the period October 10 to 11, 1949. As a result of the comments made and discussions which occurred at the conference, substantial revisions of the proposed rules were made, and on November 17, 1949, a further notice of proposed rule making and notice of provisional designation for oral argument was issued. Following a specific request by one of the amateur organizations a general oral argument was scheduled. On June 2, 1950, oral argument was heard by the Commission en banc.

In addition to stating the basis and purpose of the amateur rules, the amendments originally proposed provided for changes in the classification of amateur operator licenses which would eventually eliminate the three operator classifications now provided and substitute therefor six grades of amateur operator licenses, i. e., the novice, technician, conditional, general, advanced, and amateur extra classes of license; prescribed qualifications for these classes of licenses; amended the rule relating to renewal of license by providing, among other things, that the report of operation during the latter portion of the license term be specified in terms of operating time rather than number of communications; provided for changes in operator examinations in keeping with the new classes of licenses to be created, and restricted operation in certain frequency bands as to band width and modulation.

Following publication of the initial notice of proposed rule making the Commission received written comments from more than six hundred interested persons, including comments of some thirty-nine local, regional, or national amateur clubs and associations.

Because of the diversity of opinion expressed in the written comments, it was felt that by affording an opportunity for all interested parties to sit down with each other and the Commission's staff informally to discuss each of the specific rules proposed, these differences could be reconciled and each of the rules could assume the best possible substance and form. To a large extent these results were realized, and the further Notice of Proposed Rule Making thereafter issued reflected the discussions and agreements of the conference in a manner which, it was believed, would be generally acceptable to amateurs and which would also fulfill the Commission's statutory obligation in respect to the promulgation of rules and regulations.

In this further notice of rule making the Commission amended the proposed statement of the basis and purpose of the amateur rules in certain particulars, and in addition the proposed limitations of bandwidth, prohibition of wide-band frequency modulation, and further extension of narrow-band frequency modulation were eliminated. Provision was made for continuance of the Class A type of operator license in a manner designed to accommodate current licensees. The proposed new § 12.107, dealing with round table operation, was eliminated. The proposed requirement as to showing of operation during the license period as a prerequisite to renewal of license was modified.

Some forty or more persons and organizations filed initial or further comments following publication of the further notice of proposed rule making.

At the oral argument held June 2, 1950, considerable support of the pro-

posals, as revised, was expressed. The controversial portions of the argument related, primarily, to the statement of the basis and purpose of the amateur rules and the proposals to establish the amateur extra class of license. In addition, apparently because the underlying rationale was not clearly exposed, some objection was expressed to the proposed revision in the requirements for renewal of licenses and to the lack of a requirement for the re-examination of the holders of the technician class of license. However, the Commission was unable to determine, on the basis of the arguments, that further modifications should be made in the proposed amendments.

The disagreement with the proposed rule covering renewal of operator licenses was expressed, chiefly, on the ground that the present requirement, that application for renewal of license be accompanied by a showing of at least three communications by radiotelegraphy within the last six months of the license period, is sufficient. The theory underlying both the present and the proposed renewal requirements is that a certain showing of activity under the amateur license may be accepted as constituting a reasonable assurance that the licensee has maintained the skills which initially qualified him for the license. Accordingly, it is believed that a showing of operation in terms of actual operating time more accurately reflects this activity than would a mere showing of three contacts of indeterminate length.

The rules as to the technician class of license provide that an applicant may, if he resides more than 125 miles from the nearest examining point, is physically disabled, or is shown by certificate of the commanding officer to be in the armed forces of the United States at an Army, Navy, Air Force, or Coast Guard station and, for that reason be unable to appear for examination at the time and place designated by the Commission, take the examination for the technician class of license before volunteer examiners. However, no provision is made for re-examination of the Technician Class operator when he changes residence and station location to within a regular examination area or when a new examination location is established within 125 miles of such licensee's residence and station location, as in the case of the Conditional Class license and the old Class C license. The reason for this difference lies in the comparative nature of the licenses. The technician class is designed for the experimenter or technician and the holder of the license is permitted to operate only on the higher frequency bands. Accordingly, it is believed that persons desiring this class of license would, primarily, be those who are truly interested in the radio art and who, because of the nature of their interest, are likely to be in fact qualified for the technician class of license whether examination for such license was conducted by an employee of the Commission or a volunteer examiner. Having this in mind and having in mind the administrative difficulties which are inherent in any requirement for re-examination, it is believed that to omit any requirement of re-examination in connection with the technician class of license is appropriate.

Objection to the proposal to create three new classes of amateur operator licenses was directed for the most part to the requirement of a code speed of 20 words per minute for the Amateur Extra Class license, on the grounds that this requirement would preclude many amateurs from obtaining this class of license. However, the new rules, in effect, provide a total of six grades of amateur licenses, including ones comparable to the present Classes A, B, and C; hence, persons not able to attain the code speed required for the Amateur Extra Class will still be able to obtain other licenses commensurate with their skills and abilities.

Objection was also expressed to the proposed eventual elimination of the present Class A license, which heretofore constituted the highest grade of amateur license and was supposed to indicate that the holder thereof was particularly well qualified in amateur radiotelephony. This grade of license was established several years ago when certain bands of frequencies were originally made available for amateur radiotelephony and it was considered advisable to restrict use of these bands to amateurs who showed above-average qualifications in this phase of the radio art. In view of this, the Class A license has become identified with advanced radiotelephony while at the same time constituting the only incentive in the amateur license structure for advancement in radio skills. Inasmuch as amateur radio activity contemplates many phases of the radio art in addition to radiotelephony, it is desired that the holder of the highest grade of license shall be well qualified in more than one of its phases, regardless of whether he intends to restrict his activities to a particular aspect of amateur activity. Accordingly, the Amateur Extra Class of license is provided to eventually replace the Class A in the belief that the logical grade of license beyond the General Class should be one which will afford an incentive to all amateurs to become highly proficient in all phases of the radio art.

At the oral argument it was proposed that, if the Commission deems it necessary to provide the Extra Class of license, such license, should be subdivided into two classes; viz., radiotelephone and radiotelegraph. However, comments received in this proceeding seem to indicate that a schism now exists among the ranks of the amateurs in regard to amateurs who are proficient in radiotelephony and amateurs skilled in code operation. It is not the purpose of these rules to widen this breach in the ranks of the amateurs but rather to cement together the various techniques employed in amateur radio into one license to symbolize a radio man who is highly proficient in all amateur phases of the radio art. It further appears that the type of emission or technique used in the operation of the amateur radio station would be an illogical dividing line between the various classes of operator licenses because of the almost limitless types of emission or techniques possible to the amateur. Accordingly, careful study and consideration of this proposal leads to the conclusion that such a division of the Extra Class license would be undesirable.

It was also suggested at the oral argument that, in addition to the requirements proposed, issuance of an Amateur Extra Class of license be restricted to persons who have had at least ten or fifteen years operating experience as a licensed amateur. However, since skill in operating and in radio technique depend to a considerable extent upon intensity of application this suggestion seems unnecessarily strict. Further, it is believed that a requirement of such lengthy experience, to some extent, would defeat the Commission's purpose in creating the Amateur Extra Class of license.

The basis and purpose statement evoked considerable comment and argument, largely upon the ground that the amateur body should seek its own objectives and request of the Commission such minimum regulation as would accomplish these objectives. However, since the Commission is charged, under the provisions of the Communications Act, with a positive responsibility to regulate the use of radio in the public interest, it may not, as suggested, shift that responsibility to others. Accordingly, the statement of the basis and purpose of the amateur rules is intended as a prospectus of the accomplishments which the Commission expects to result from the activities of a healthy amateur radio service functioning within the limits of rules shaped toward this end. Additionally, and of equal importance, is the fact that an expressed firm basis thereby will be afforded for future international negotiations affecting the Amateur Radio Service.

In view of the foregoing considerations and determinations, the Commission finds that the public interest, convenience, and necessity will be served by the adoption of the rules herein ordered. Accordingly, pursuant to the authority of sections 4 (i) and 303 (b), (c), (g), (l), and (r) of the Communications Act of 1934, as amended; *It is ordered,* This 29th day of January 1951, that:

1. The foregoing report is adopted.

2. The rules set forth below are adopted and shall become effective on the dates specified therein.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082; as amended; 47 U. S. C. 303)

Released: January 31, 1951.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] T. J. SLOWIE,
Secretary,

Part 12, Rules Governing Amateur Radio Service, is amended as hereinafter indicated. These rules will become effective March 1, 1951, except as otherwise indicated by footnote.

[1] Statement of Commissioners Henock and Sterling dissenting and concurring in part filed as part of original document.

1. A new § 12.0 is added, as follows:

§ 12.0 *Basis and purpose.* The rules and regulations in this part are designed to provide an Amateur Radio Service having a fundamental purpose as expressed in the following principles:

(a) Recognition and enhancement of the value of the amateur service to the public as a voluntary noncommercial communication service, particularly with respect to providing emergency communications.

(b) Continuation and extension of the amateur's proven ability to contribute to the advancement of the radio art.

(c) Encouragement and improvement of the amateur radio service through rules which provide for advancing skills in both the communication and technical phases of the art.

(d) Expansion of the existing reservoir within the amateur radio service of trained operators, technicians, and electronics experts.

(e) Continuation and extension of the amateur's unique ability to enhance international good will.

2. A new § 12.20 is added as follows:

§ 12.20 *Classes of amateur operator licenses.*

Amateur extra class.[1]
Advanced class[2] (previously class A).
General class[3] (previously class B).
Conditional class[3] (previously class C).
Technician class.[4]
Novice class.[4]

3. Section 12.21 is amended to read as follows:

§ 12.21 *Eligibility for license.*[5] Persons are eligible to apply for the various classes of amateur operator licenses as follows:

(a) *Amateur extra class.* Any citizen of the United States who at any time prior to receipt of his application by the Commission has held for a period of two years or more a valid amateur operator license issued by the Federal Communications Commission, excluding licenses of the Novice and Technician Classes.

(b) *Advanced class.* Any citizen of the United States who at any time prior to receipt of his application by the Commission, has held for a period of a year or more an amateur operator license issued by the Federal Communications Commission, excluding licenses of the Novice and Technician Classes. New Advanced Class amateur operator licenses will not be issued after December 31, 1952. However, Advanced Class (or Class A) licenses may continue to be renewed as set forth in § 12.27.

(c) *General class.* Any citizen of the United States.

(d) *Conditional class.* Any citizen of the United States whose actual residence and amateur station location are more than 125 miles air line distant from the nearest location at which examinations are held at intervals of not more than 3 months for General Class amateur operator license; or who is shown by physician's certificate to be unable to appear for examination because of protracted disability; or who is shown by certificate of the commanding officer to be in the armed forces of the United States at an Army, Navy, Air Force or Coast Guard station and, for that reason, to be unable to appear for examination at the time and place designated by the Commission.

(e) *Technician class.* Any citizen of the United States.

(f) *Novice class.* Any citizen of the United States except a former holder of an amateur license of any class issued by any agency of the United States government, military or civilian.

4. Section 12.23 is amended to read as follows:

§ 12.23 *Classes and privileges of amateur operator licenses*[5]—(a) *Amateur extra class.* All authorized amateur privileges including such additional privileges in both communication and technical phases of the art which the Commission may consider as appropriately limited to holders of this class of license.

(b) *Advanced class.* All amateur privileges except those which may be reserved to holders of the Amateur Extra Class license.

(c) *General and conditional classes.* All authorized amateur privileges except the use of radiotelephony on the frequency bands 3800 to 4000 kilocycles, and 14200 to 14300 kilocycles, and except those which may be reserved to holders of the Amateur Extra Class license.

(d) *Technician class.* All authorized amateur privileges in the amateur frequency bands above 220 megacycles.

(e) *Novice class.* Those amateur privileges as designated and limited as follows:

(1) The d. c. plate power input to the vacuum tube or tubes supplying power to the antenna shall not exceed 75 watts.

(2) Only the following frequency bands and types of emission may be used, and the emissions of the transmitter must be crystal-controlled:

(i) 3700 to 3750 kilocycles, radiotelegraphy using only type A1 emission in accordance with the geograpical restrictions set forth in § 12.111 (a) (2) (i).

(ii) 26.960 to 27.230 Mc., radiotelegraphy using only type A1 emission.

(iii) 145 to 147 megacycles, radiotelegraphy or radiotelephony using any type of emission except pulsed emissions and type B emission.

5. Section 12.27 is amended to read as follows:

§ 12.27 *Renewal of amateur operator license.* (a) [6] An amateur operator license, except the Novice Class, may be renewed upon proper application stating that the applicant has lawfully accumulated a minimum total of either 2 hours operating time during the last 3 months or 5 hours operating time durig the last 12 months of the license term. Such "operating time", for the purpose of renewal, shall be counted as the total of all that time between the entries in the station log showing the beginning and end of transmissions as required in § 12.136 (a), both during single transmissions and during a "sequence of transmissions" as provided in this section. The application shall, in addition to the foregoing, include a statement that the applicant can send by hand key, i. e., straight key or any other type of hand operated key such as a semi-automatic or electronic key, and receive by ear, in plain language, messages in the International Morse Code at a speed of not less than that which was originally required for the class of license being renewed.

(b) The Novice Class license will not be renewed.

(c) The applicant shall qualify for a new license by examination if the requirements of this section are not fulfilled.

(d) The renewal application shall be accompanied by the applicant's amateur operator license, and also by his amateur station license if he holds one.

(e) Application for renewal of an amateur operator license may be filed not earlier than 120 days prior to the date of expiration and not later than a period of grace of one year after such date of expiration. During this one year period of grace an expired license is not valid. A renewed license issued upon the basis of an application filed during the grace period will be dated currently and will not be back-dated to the date of expiration of the license being renewed.

(f) Renewal applications shall be governed by applicable rules in force on the date when application is filed.

6. Section 12.29 is amended to read as follows:

§ 12.29 *License term.* Amateur operator licenses are normally valid for a period of 5 years from the date of issuance of a new or renewed license, except the Novice Class which is normally valid for a period of 1 year from the date of issuance. Modified and duplicate li-

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[1] This class of operator license will become available to qualified applicants January 1, 1952.

[2] This class of license is the same as the Class A with change of name only. It (and the Class A) may be renewed as long as the holder to whom it was issued meets the renewal requirements current at the time renewal is applied for. New Advanced Class (or Class A) amateur operator licenses will not be issued after December 31, 1952.

[3] This class of operator license will become effective March 1, 1951.

[4] This class of license will become available to qualified applicants July 1, 1951.

[5] For effective dates of the various classes of operator licenses, see footnotes 1 through 4.

[6] By order dated and effective November 13, 1950, the Commission temporarily waived, to a limited extent, the requirement that all applications for renewal of an amateur operator license be accompanied by a showing that the applicant actually operated an amateur radio station or stations, in the manner and upon the occasions or for the period of time specified in Section 12.27, in cases where it is shown that the applicant was unable to conduct such operation because he was on active duty in the armed forces of the United States. This order is applicable to all amateur operator licenses which expire during the period January 1 to December 31, 1951, inclusive.

censes shall bear the same date of expiration as the licenses for which they are modifications or duplicates.

7. Section 12.42 is amended to read as follows:

§ 12.42 *Examination elements.* Examinations for amateur operator privileges will comprise one or more of the following examination elements:

Element 1 (A): *Beginner's code test.* Code test at five (5) words per minute.

Element 1 (B): *General code test.* Code test at thirteen (13) words per minute.

Element 1 (C): *Expert's code test.* Code test at twenty (20) words per minute.

Element 2: *Basic amateur practice.* Amateur radio operation and apparatus, including radiotelephone and radiotelegraph.

Element 3 (A): *Basic law.* Rules and regulations essential to beginners' operation, including sufficient elementary radio theory for the understanding of those rules.

Element 3 (B): *General regulations.* Provisions of treaties, statutes, and rules and regulations affecting all amateur stations and operators.

Element 4 (A): *Advanced radiotelephone.* Technical, operational and other matter specifically applicable to the operation of amateur radiotelephone stations.

Element 4 (B): *Advanced amateur practice.* Advanced radio theory and operation as applicable to modern amateur techniques, including, but not limited to, radiotelephony, radiotelegraphy, and transmissions of energy for measurements and observations applied to propagation, for the radio control of remote objects and for similar experimental purposes.

8. Section 12.43 is amended to read as follows:

§ 12.43 *Examination requirements.* Applicants for original licenses will be required to pass examinations as follows:

(a) *Amateur extra class.* Elements 1 (C), 2, 3 (B) and 4 (B).

(b) *Advanced class.* Elements 1 (B), 2, 3 (B) and 4 (A).

(c) *General class.* Elements 1 (B), 2 and 3 (B).

(d) *Conditional class.* Elements 1 (B), 2 and 3 (B).

(e) *Technician class.* Elements 1 (A), 2 and 3 (B).

(f) *Novice class.* Elements 1 (A) and 3 (A).

9. Section 12.44 is amended to read as follows:

§ 12.44 *Manner of conducting examinations.* (a) The examinations for all classes of amateur operator licenses, except Conditional Class, will be conducted by an authorized Commission employee or representative at locations and at times specified by the Commission. The examinations for Conditional Class, as well as Technician and Novice Class licenses, may be conducted in accordance with the provisions of paragraph (c) of this section under one or more of the following conditions:

(1) If the applicant's actual residence and proposed amateur station location are more than 125 miles airline distance from the nearest location at which examinations are conducted by an authorized Commission employee or representative at intervals of not more than 3 months for amateur operator licenses; or

(2) If the applicant is shown by physician's certificate to be unable to appear for examination because of protracted disability; or

(3) If the applicant is shown by certificate of the commanding officer to be in the armed forces of the United States at an Army, Navy, Air Force, or Coast Guard station and, for that reason, to be unable to appear for examination at the time and place designated by the Commission.

(b) A holder of a technician or Novice Class license obtained on the basis of an examination under the provisions of paragraph (c) of this section is not required to be re-examined when changing residence and station location to within a regular examination area, nor when a new examination location is established within 125 miles of such licensee's residence and station location.

(c) Each examination for Conditional Class license, or for Technician, or Novice Class license under special conditions set forth in paragraph (a) of this section, shall be conducted and supervised by not more than two volunteer examiners, whom the Commission may designate or permit the applicant to select (not more than one examiner for the code test and not more than one examiner for the complete written examination). In the event the examiner for the code test is selected by the applicant, such examiner shall be the holder of an Extra Class, Advanced Class, or General Class of amateur operator license or shall have held, within the 5 years prior to the date of the examination, a commercial radiotelegraph operator license issued by the Commission or within that time shall have been employed in the service of the United States as the operator of a manually operated radiotelegraph station. The examiner for the written test shall be at least 21 years of age.

10. A new § 12.50 is added, as follows:

§ 12.50 *Code test procedure.* The code test required of an applicant for amateur radio operator license, in accordance with the provisions of §§ 12.42 and 12.43, shall determine the applicant's ability to transmit by hand key (straight key or if supplied by the applicant, any other type of hand operated key such as a semi-automatic or electronic key) and to receive by ear, in plain language, messages in the International Morse Code at not less than the prescribed speed, free from omission or other error for a continuous period of at least 1 minute during a test period of 5 minutes, counting five characters to the word, each numeral or punctuation mark counting as two characters.

11. Section 12.46 is amended to read as follows:

§ 12.46 *Examination credit.* (a) An applicant for a higher class of amateur operator license who holds a valid amateur operator license issued upon the basis of an examination by the Commission will be required to pass only those elements of the higher class examination that were not included in the examination for the amateur license held when such application was filed. However, credit will not be allowed for licenses issued on the basis of an examination given under the provisions of § 12.44 (c).

(b) An applicant for Amateur Advanced Class operator license will be given credit for examination element 4 (A) if within 2 years prior to the receipt of his application by the Commission he held Class A privileges or an Advanced Class license.

(c) An applicant for any class of amateur operator license, except the Extra Class, will be given credit for the telegraph code element if within 5 years prior to the receipt of his application by the Commission he held a commercial radiotelegraph first or second class operator license issued by the Federal Communications Commission.

(d) No examination credit, except as herein provided, shall be allowed on the basis of holding or having held any amateur or commercial operator license.

12. Section 12.65 is amended to read as follows:

§ 12.65 *License period.* The license for an amateur station is normally valid for a period of 5 years from the date of issuance of a new or renewed license, except that an amateur station license issued to the holder of a Novice Class amateur operator license is normally valid for a period of 1 year from the date of issuance. Modified or duplicate licenses shall bear the same issue date and expiration date as the licenses for which they are modifications or duplicates.

13. Section 12.111 is amended to read as follows:

§ 12.111 *Frequencies and types of emission for use of amateur stations.* (a) Subject to the limitations and restrictions set forth in this section and in § 12.114, the following frequency bands and types of emissions are allocated and available for amateur station operation as follows:

(1) 1800 to 2000 kc and 2006 to 2050 kc. Use of this band by amateur radio stations is restricted as follows:

(i) 1800 to 2000 kc. Use of this band is on a shared basis with the Loran system of radio navigation. In any particular area the Loran system of radio navigation operates either on 1850 or 1950 kc, the band occupied being 1800 to 1900 or 1900 to 2000 kc. The amateur service may use in any area whichever bands, 1800 to 1825 and 1875 to 1900 kc, or 1900 to 1925 and 1975 to 2000 kc, are not required for Loran in that area, in accordance with the following limitations and conditions:

(*a*) Mississippi River to East Coast U. S. (except Florida and states bordering Gulf of Mexico): 1800 to 1825 kc and 1875 to 1900 kc, using type A–1 or A–3 emission. Power input to the plate circuit of the tube or tubes supplying power to the antenna shall not exceed 500 watts day, 200 watts night.

(*b*) Mississippi River to West Coast U. S. (except states bordering Gulf of Mexico): 1900 to 1925 kc and 1975 to 2000 kc, using type A–1 or A–3 emission. Power input to the plate circuit of the tube or tubes supplying power to the antenna shall not exceed 500 watts day, 200 watts night, except in the State of

Washington where daytime power is limited to 200 watts and nighttime power to 50 watts.

(c) Florida and states bordering Gulf of Mexico: 1800 to 1825 kc and 1875 to 1900 kc, using type A–1 or A–3 emission. Power input to the plate circuit of the tube or tubes supplying power to the antenna shall not exceed 200 watts day, no operation at night.

(d) Puerto Rico and Virgin Islands: 1900 to 1925 kc and 1975 to 2000 kc, using type A–1 or A–3 emission. Power input to the plate circuit of the tube or tubes supplying power to the antenna shall not exceed 500 watts day, 50 watts night.

(e) Hawaiian Islands: 1900 to 1925 kc, and 1975 to 2000 kc, using type A–1 or A–3 emission. Power input to the plate circuit of the tube or tubes supplying power to the antenna shall not exceed 500 watts day, 200 watts night.

(f) The use of these frequencies by stations in the Amateur Service shall not cause harmful interference to the Loran system of radio navigation. If an amateur station causes such interference, the station licensee shall, as directed by the Commission, immediately cease operation on the frequencies involved.

(g) The use of these frequencies by the Amateur Service shall not be a bar to expansion of the radio navigation (Loran) service, and such use, and the limitations and conditions of such use as set forth in this subparagraph, shall be considered temporary in the sense that they shall remain subject to cancellation or to revision, in whole or in part, without hearing, whenever the Commission shall deem such cancellation or revision to be necessary or desirable in the light of the priority within this band of the Loran system of radio navigation.

(ii) 2006 to 2050 kc. Not available for use.

(2) 3500 to 4000 kc. Use of this band is restricted to amateur radio stations as follows:

(i) 3500 to 4000 kc, using type A–1 emission, to those stations located within the continental limits of the United States, the Territories of Alaska and Hawaii, Puerto Rico, the Virgin Islands and all United States possessions lying west of the Territory of Hawaii to 170° west longitude.

(ii) 3800 to 4000 kc, using type A3 emission and, on frequencies 3800 to 3850 kc, using narrow band frequency or phase modulation for radiotelephony, to those stations located within the continental limits of the United States, the Territories of Alaska and Hawaii, Puerto Rico, the Virgin Islands and all United States possessions lying west of the Territory of Hawaii to 170° west longitude, subject to the further restriction that type A3 emission, or narrow band frequency or phase modulation for radiotelephony, may be used only by an amateur station which is licensed to an amateur operator holding an Amateur Extra Class or Advanced Class license and then only when operated and controlled by an amateur operator holding an Amateur Extra Class or Advanced Class license.

(3) 7000 to 7300 kc, using type A1 emission.

(4) 14000 to 14400 kc, using type A1 emission and, on frequencies 14200 to 14300 kc, type A3 emission and, on frequencies 14200 to 14250 kc, using narrow band frequency or phase modulation for radiotelephony, subject to the restriction that type A3 emission, or narrow band frequency of phase modulation for radiotelephony, may be used only by an amateur station which is licensed to an amateur operator holding an Amateur Extra Class or Advanced Class license and then only when operated and controlled by an amateur operator holding an Amateur Extra Class or Advanced Class license.

(5) 26.960 to 27.230 Mc, using AØ, A1, A2, A3, and A4 emission and also special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques), subject to such interference as may result from the emissions of industrial, scientific and medical devices within 160 kc of the frequency 27.120.

(6) 28.0 to 29.7 Mc, using type A1 emission and, on frequencies 28.5 to 29.7 Mc using type A3 emission and narrow band frequency or phase modulation for radiotelephony and, on frequencies 29.0 to 29.7, using special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(7) 50.0 to 54.0 Mc, using types A1, A2, A3, and A4 emission and narrow band frequency or phase modulation for radiotelephony and, on frequencies 52.5 to 54.0 Mc, special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(8) 144 to 148 Mc, using types AØ, A1, A2, A3, and A4 emission and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(9) 220 to 225 Mc, using types AØ, A1, A2, A3, and A4 emission and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques), provided that until January 1, 1952, if this band is required for distance measuring equipment at certain United States gateways and Canadian border locations, amateurs within interference range of those gateways and locations shall, after publication by the Commission of an order designating the areas involved, cease to use this band, but shall be entitled in lieu thereof to use the band 235 to 240 Mc.

(10) 235 to 240 Mc, using type AØ, A1, A2, A3, and A4 emission and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques) until January 1, 1952, provided that commencing with June 9, 1948, this band may be used only as a substitute for the band 220 to 225 Mc in those cases in which the band 220 to 225 Mc may not be used, as provided in subparagraph (9) of this paragraph.

(11) 420 to 450 Mc, using types AØ, A1, A2, A3, A4, and A5 emissions and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques). Peak antenna power shall not exceed 50 watts in order to minimize interference to aircraft altimeters temporarily allocated to this band.

(12) 1215 to 1300 Mc using types AØ, A1, A2, A3, A4, and A5 emission and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques).

(13) 2300 to 2450 Mc, 3300 to 3500 Mc, 5650 to 5925 Mc, 10,000 to 10,500 Mc, 21,000 to 22,000 Mc, and any frequency or frequencies above 30,000 Mc, using on these frequencies types AØ, A1, A2, A3, A4, A5 emission and special emission for frequency modulation (radiotelephone transmissions and radiotelegraph transmissions employing carrier shift or other frequency modulation techniques), and pulse emission. Operations in the frequency bands 2300 to 2450 Mc and 5650 to 5925 Mc are subject to such interference between 2400 and 2450 Mc and between 5775 and 5925 Mc, respectively, as may result from emissions of industrial, scientific and medical devices on the frequencies 2450 and 5850 Mc, respectively.

14. Section 12.114 is amended to read as follows:

§ 12.114 *Types of emission.* (a) Type AØ emission, where not specifically designated in the bands listed in § 12.111, may be used for short periods of time when required for authorized remote control purposes or for experimental purposes. However, these limitations do not apply where type AØ emission is specifically designated.

(b) [Deleted.]

(c) The use of narrow band frequency or phase modulation is subject to the conditions that the band-width of the modulated carrier shall not exceed the band-width occupied by an amplitude-modulated carrier of the same audio characteristics, and that the purity and stability of such emissions shall be maintained in accordance with the requirements of § 12.133.

[F. R. Doc. 51–2043; Filed, Feb. 8, 1951; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 344]

UNION STOCK YARDS CO. OF OMAHA (LTD.)

NOTICE OF PETITION FOR MODIFICATION OF TEMPORARY RATES

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on August 12, 1949 (8 A. D. 877), which was continued and amended by orders dated July 6, 1950 (9 A. D. 791), and November 27, 1950 (9 A. D. 1333), respectively, authorizing the respondent to assess the current charges for stockyard services.

By petition filed on January 29, 1951, respondent requested authority to put into effect the following charges:

YARDAGE CHARGES

	Present rates	Proposed rates
(a) All livestock received, and (b) all livestock reweighed or resold:		
Cattle (except bulls 700 pounds or over)	*Per head* $0.75	$0.80
Bulls (minimum 700 pounds)	1.00	1.25
Calves (maximum 400 pounds)	.42	.45
Hogs	.26	.28
Sheep or goats	.16	.17
Horses or mules	.70	.80
Exceptions: (a) Yardage will not be assessed against livestock handled for the railroads, unloaded for feed, water, and rest, unless such stock changes ownership.		
(b) Yardage will not be assessed against livestock forwarded to another terminal market or returned to point of origin, provided the livestock has not changed ownership or been weighed.		
(c) Livestock, not sold on this market, forwarded other than to "point of origin" or "another terminal market" (one weighing permitted) will be assessed the following yardage charges:		
Cattle (except bulls 700 pounds or over)	$0.37	$0.40
Bulls (minimum 700 pounds)	.50	.62
Calves	.21	.23
Hogs	.13	.14
Sheep or goats	.08	.09
(d) Yardage charges on slaughter livestock consigned direct to packers will be at the following rates, provided packers accept delivery of stock at unloading chutes and remove stock from premises as soon as weighed:		
Cattle (except bulls 700 pounds or over)	$0.37	$0.40
Bulls (minimum 700 pounds)	.50	.62
Calves	.21	.23
Hogs	.13	.14
Sheep or goats	.08	.09
(e) Livestock resold or reweighed, other than through a commission firm, in these yards for local delivery will be assessed the following yardage charges:		
Cattle	$0.23	$0.25
Calves	.14	.15
Hogs	.08	.09
Sheep or goats	.05	.05
(f) Livestock resold or reweighed, other than through a commission firm, in these yards for shipment off the market, the following charges will apply:		
Cattle	$0.11	$0.12
Calves	.07	.08
Hogs	.05	.06
Sheep or goats	.02	.03
Horses or mules	.12	.12

If authorized, the charges sought will produce additional revenue for the respondent and increase the expenses of marketing livestock. It appears, therefore, that the notice of the filing of the petition and its contents should be given to the public.

All interested parties who wish to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days following the publication of this notice.

Done at Washington, D. C., this 5th day of February 1951.

[SEAL] KATHERINE L. MASON,
Hearing Clerk.

[F. R. Doc. 51-2016; Filed, Feb. 8, 1951; 8:47 a. m.]

[7 CFR, Part 968]

[Docket No. AO-173-A4]

HANDLING OF MILK IN WICHITA, KANS., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO A PROPOSED AMENDMENT TO THE TENTATIVE MARKETING AGREEMENT, AND TO THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Wichita, Kansas, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 12th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendment to the tentative marketing agreement and to the order, as amended, was formulated, was conducted at Wichita, Kansas, on October 24, 1950, pursuant to notice thereof which was issued on October 13, 1950, (15 F. R. 6970).

Proposed amendments were submitted by the Wichita Milk Producers Association, the Central Kansas Cooperative Creamery Association, and the Dairy Branch, Production and Marketing Administration.

The material issues of record related to:

(1) A proposal that receipts of approved milk at a plant be included in the pool only if such plant disposes of a minimum percentage of such receipts as Class I or Class II milk in the marketing area;

(2) The classification of milk sold on certain bid specifications to agencies of the Government;

(3) The accounting for milk produced by a handler;

(4) The shrinkage allowance on milk diverted from one handler to another handler; and

(5) Minor administrative provisions of the order.

Findings and Conclusions. The findings and conclusions with respect to the aforementioned material issues, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

(1) The milk to be "pooled," i. e., included in the computation of the uniform or "pool" price for all months except March, April, May, and June, should be that received from producers at a plant from which at least 15 percent of the receipts of locally inspected and approved milk is disposed of as Class I milk and Class II milk in the marketing area. For the months of March, April, May, and June, the milk to be pooled should be that received from producers at a plant which disposed of a substantial portion of its receipts as Class I and Class II milk in the marketing area during four preceding fall months.

The order presently provides for pooling all locally inspected milk received at or diverted from a plant from which any milk is disposed of as Class I or as Class II milk in the marketing area. It was proposed to designate as "pool plants" those approved plants which disposed of a minimum percentage of their receipts of producer milk as Class I and Class II milk in the marketing area and to restrict the milk to be pooled to that received at or diverted from pool plants.

While the approval of health authorities of the marketing area with respect to both dairy farmers and plants constitutes a measure of identifying certain milk with the fluid trade of the area, there is opportunity under the present provisions of the order for considerable volumes of milk to be pooled on the basis of very slight contribution to the Class I and Class II needs of the marketing area. Token sales of Class I or Class II milk may now be made during periods of flush production from a plant at which the milk received is principally used for manufacturing dairy products and the entire receipts of approved milk at such a plant are pooled. The pooling of all milk received at such a plant reduces the uniform price received by producers whose milk is used regularly in the market and tends to discourage them from producing sufficient milk to meet the needs of the market.

Plants which dispose of a minor portion of their receipts of approved milk in the marketing area can hardly be considered to have fully identified such receipts as a part of the regular supply for the Wichita market to which uniform prices to producers should apply. It is likely that the Wichita market is not the primary market for which such milk is produced and that other markets may have first claim on the supplies of such a plant.

A cooperative marketing association with a plant located approximately 50 miles from Wichita has recently started route distribution in Wichita, the volume of which is less than 10 percent of its receipts of Wichita approved milk. From the testimony of a representative of the association it is evident that this supply of milk was first developed to supply out-of-state markets in bulk. Presently route sales, however, are being made in Wichita and other areas but the availability of other sales outlets indicates that a major portion of the supply will not enter the Wichita market. With respect to this milk, the approval of Wichita health authorities does not by itself constitute sufficient evidence that such milk has Wichita for its primary market.

In contrast to this situation the other milk now included in the Wichita pool is delivered to handlers located in Wichita whose primary market is Wichita. The minimum percentage of receipts of producer milk that any of these handlers has disposed of as Class I and Class II milk in any delivery period since June 1944 has been 59.7 percent; in fact Class I and Class II disposition of each of these handlers generally has exceeded this percentage materially.

It was proposed that the requirement for pool plant status for any month should be disposition of 40 percent of the inspected receipts of an approved plant as Class I and Class II milk in the marketing area during such month. In support of this proposal, it was contended that the percentage proposed was substantially less than that shown for any month over a period of years by the handlers regularly supplying the market. In opposition, it was asserted that such a requirement would prevent new handlers from entering the market.

The record indicates that the principal problem which concerns the producers' association regularly supplying the market is sales in the flush season from plants which do not contribute to the short season needs of the market. It does not appear that disposition as Class I and Class II milk in the marketing area of a portion of a plant's approved receipts as substantial as 40 percent need be required in each month of the year, if provision is made to restrict pool plant status during the flush production months to plants which have made a substantial contribution to the Class I and Class II needs of the market during the preceding season of short supply. Accordingly, it is concluded that, except for the months of flush production, an approved plant which disposes of 15 percent or more of its approved receipts as Class I and Class II milk in the marketing area shall be a pool plant. However, for four months associated with flush production (March through June), it is concluded that the requirement for pool plant status should be a much more substantial disposition of approved receipts as Class I and Class II milk in the marketing area during four preceding months (August through November) when supplies are normally short. Since the receipts of milk are less in the short production season than at other seasons of the year, a somewhat higher percentage of such receipts than that proposed for all months is an appropriate requirement for performance during this season which will qualify a plant as a pool plant during following months of flush production. Fifty percent of a plant's receipts in the short production months represents a volume of milk that is probably no greater than 40 percent of such receipts in the flush production months. As a condition of pool plant status for the months of March through June it is considered reasonable to require that a plant have been a pool plant during each of the months of August through November preceding, and during this four-month period also have disposed of as Class I and Class II milk in the marketing area a total amount of milk equal to 50 percent or more of its total receipts of approved milk.

Such a provision is appropriate for all plants which were approved plants during the designated short supply months. Some additional provision should be made, however, for a plant which had no opportunity to qualify because it became an approved plant subsequent to August of the preceding year. It is concluded that such a plant should be a pool plant in any of the months of March through June if 40 percent or more of such plant's approved receipts are disposed of as Class I and Class II milk in the marketing area during such month.

It was proposed that a handler whose plant failed to qualify as an approved plant should be required to pay into the pool the difference between the Class III or manufacturing milk price and the Class I or Class II price for all milk disposed of as Class I or Class II milk in the marketing area. Provision should be made to price handlers' milk uniformly. Producers regularly supplying the market also need assurance that unpriced milk will not reduce their sales in the higher classes. It is doubtful, however, if the interests of pool handlers and regular producers require more than assurance that the cost of milk to the handler who fails to achieve pool status is equal to that provided in the order.

The provision proposed seeks to achieve this result on the basis that the non-pool handler could not purchase any milk at less than the Class III prices of the order and that an additional payment of the difference proposed would insure a cost equal to or greater than that of pool handlers on the milk actually disposed of in the marketing area for fluid use. This proposal, however, fails to recognize that the handler through choice or because of competitive conditions may pay farmers more than the Class III price for such milk, and as a result have a higher cost than the class prices of the order on the milk so disposed of in the marketing area. The non-pool handler must report to the market administrator his receipts and utilization in order that his status and pool obligations may be determined. The payments he makes to approved dairy farmers are also available. If through choice or competitive conditions these payments are equal to the amount that the order now provides at class prices on his entire utilization, the requirement of additional payments is not necessary to provide uniformity of costs to handlers and protection to regular producers. It is concluded therefore that the appropriate payment to the pool from a handler who operates an approved plant which fails to qualify as a pool plant should be the lesser of (a) the difference between the Class III price and price for the class of use with respect to all milk disposed of as Class I or Class II milk in the marketing area or (b) the difference, if any, between the costs of his milk at the class prices of the order and his payments to the approved dairy farmers who would be considered producers under the present provisions of the order. In addition such a handler should pay his pro rata share of the costs of administration of the order. Such provisions will insure uniformity of costs of milk among handlers, and will recognize the payments that non-pool handlers choose to make to approved dairy farmers.

2. It was proposed that milk, skim milk or cream bottled and sold pursuant to an invitation to bid by the Government of the United States as Type II, No. 3 and so labeled, by an approved plant which regularly receives ungraded milk should be classified as Class III milk to the extent of the receipts of ungraded milk at the approved plant. This proposal should not be adopted.

The proponent of this change indicated that the proposal was specifically designed to cover milk that might be sold to Fort Riley, which is located a considerable distance from the Wichita marketing area.

No detailed information was furnished on the record as to requirements for milk to be furnished army posts as Type II, No. 3, other than that such milk must be similar to Grade A milk, but need not be Grade A milk. It appears from the record that in effect locally inspected milk would, to the extent available, be used for such sales, and that the proposal was for a special classification on certain out-of-market sales of fluid milk and cream so that the milk used for such sales could be accounted for to the pool at surplus prices. It appears that these would be regular sales of fluid milk, skim milk and cream and that they would not differ materially from other out-of-market sales. They should, therefore, be classified and priced as Class I milk or Class II milk. It is concluded, therefore, that the proposed amendment should not be adopted.

3. Milk produced by a handler (other than a producer-handler) should be treated with respect to pooling and the application of the base-rating system the same as the milk of other producers.

The present order deducts a handler's production pro rata from his producer milk in each class. Since the Wichita order pools the sales of milk of all handlers and distributes the proceeds to producers on a base-rating system, a handler's own production would receive treatment different from that of other producers. It is concluded that the provisions should be changed so that a handler's own production will share equally in the market with that of other producers. At the present time no pool handler has milk of his own production,

The amendment is desirable, however, to clarify the status of milk which might be produced by a handler.

4. When a handler receives milk by diversion directly from the farm for the account of another handler, the quantity of Class III plant loss associated with such diverted milk should accrue to the handler who physically received the milk.

It is customary in the Wichita market for movements of milk between handlers to take place by diversion directly from producers' farms to the plant of the second handler. Many of these diversions are arranged by a producer's cooperative association in order to supply handlers in accordance with their needs for fluid sales; the handler from whose plant the milk was diverted reports such milk as a receipt and a transfer, accounts to the pool for it, and pays the producer.

The present language of the order permits the diverting handler to include such milk as receipts in computing the maximum Class III plant loss, and does not permit the handler who actually handles the milk any credit for plant loss on such milk. Flexibility in the diversion of milk between handlers will be facilitated if in such cases handlers to whom the milk is diverted receive credit for its receipt in computing the maximum plant loss allowance.

5. Other minor changes, largely of an administrative nature, should be made in the order for purposes of clarification and the entire order should be renumbered to conform to the codification requirements of the Division of the Federal Register.

The language of the present order requires clarification in a number of instances. The adoption of the pool plant provisions discussed above requires conforming changes in several sections of the order. Several additional definitions are also necessary to make clear the intent and scope of the order. The record of the hearing indicates that in redefining "producer" for this purpose an additional definition of "producer-handler" will serve to clarify other sections of the order without substantive change. Minor amendments should be made to clarify provisions of the base-rating plan, to compute uniform prices accurately for base milk and excess milk, to name the plants used in determining the Class III price in accordance with their present ownership and operation, and to make more specific the marketing service provisions of the order. The entire order, as amended, should be reissued and renumbered to conform to the codification system now required by the Division of the Federal Register.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of the Wichita Milk Producers Association and the Central Kansas Cooperative Creamery Association.

The briefs contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendment to the order. The following amendment to the order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

DEFINITIONS

§ 968.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 968.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 968.3 *Wichita, Kansas, marketing area.* "Wichita, Kansas, marketing area" means all the territory within the corporate limits of the city of Wichita, Kansas, and the territory within Delano, Kechi, Minneha, Riverside, Waco, and Wichita Townships and the city of Eastborough, all in Sedgwick County, Kansas.

§ 968.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 968.5 *Approved dairy farmer.* "Approved dairy farmer" means any person who holds a currently valid permit issued by the Health Department of the City of Wichita for the production of milk to be disposed of as Grade "A" milk.

§ 968.6 *Producer.* "Producer" means any approved dairy farmer, other than a producer-handler, whose milk is received at a pool plant or is diverted from a pool plant by the handler who operates such pool plant, or by a cooperative association, to a plant which is not a pool plant for the account of such handler or cooperative association.

§ 968.7 *Approved plant.* "Approved plant" means any plant approved by the health authorities of the city of Wichita, Kansas, for the handling of milk to be disposed of for fluid consumption as milk in the marketing area and currently used for any or all the functions of receiving, weighing (or measuring), sampling, cooling, pasteurizing or other preparation of milk for sale or disposition as milk or cream for fluid consumption in the marketing area.

§ 968.8 *Pool plant.* "Pool plant" means any approved plant other than that of a producer-handler, (a) during any delivery period of January, February, July, August, September, October, November, or December within which such plant disposes of as Class I or Class II milk in the marketing area, an amount of milk equal to 15 percent or more of such plant's receipts of milk from approved dairy farmers, and (b) during each of the delivery periods of March, April, May, and June, if during the preceding delivery periods of August, September, October, and November such plant (1) was a pool plant during each such delivery period, and (2) disposed of as Class I and Class II milk in the marketing area a total amount of milk equal to 50 percent or more of such plant's total receipts of milk from approved dairy farmers during such delivery periods: *Provided,* That an approved plant which was not an approved plant during each of the preceding delivery periods of August, September, October, and November shall be an approved plant during any of the delivery periods of March, April, May, and June within which such plant disposes of as Class I and Class II milk in the marketing area an amount of milk equal to 40 percent or more of such plant's receipts of milk from approved dairy farmers.

For the purposes of this definition, the following shall apply:

(1) Milk diverted from an approved plant for the account of the handler operating such approved plant shall be considered a receipt at the approved plant from which it was diverted; and

(2) Milk diverted from an approved plant to an unapproved plant for the account of a cooperative association which does not operate a plant shall be deemed to have been received by such cooperative association at a pool plant.

§ 968.9 *Handler.* "Handler" means any person who, on his own behalf or on behalf of others, disposes of as Class I or Class II milk in the marketing area all or a portion of the milk purchased or received by him at an approved plant from (a) approved dairy farmers, (b) his own production, and (c) other handlers. This definition shall include a

cooperative association with respect to milk which it causes to be delivered from a producer to a plant from which no milk is disposed of as Class I milk or as Class II milk in the marketing area.

§ 968.10 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines (a) to have its entire activities under the control of its members, and (b) to have and to be exercising full authority in the sale of milk of its members.

§ 968.11 *Producer-handler.* "Producer-handler" means any approved dairy farmer who operates an approved plant, but who receives no milk from other approved dairy farmers.

§ 968.12 *Delivery period.* "Delivery period" means the then current marketing period from the first to, and including, the last day of each month.

§ 968.13 *Milk product.* "Milk product" means any product manufactured from milk or milk ingredients except products which fall within the definition of Class III milk pursuant to paragraph (c) of § 968.41 and which are disposed of in the form in which received without further processing or packaging by the handler.

§ 968.14 *Market administrator.* "Market administrator" means the person designated pursuant to § 968.20 as the agency for the administration hereof.

MARKET ADMINISTRATOR

§ 968.20 *Designation.* The agency for the administration hereof shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at, the discretion of the Secretary.

§ 968.21 *Powers.* The market administrator shall:

(a) Administer the terms and provisions hereof; and

(b) Report to the Secretary complaints of violation of the provisions hereof.

§ 968.22 *Duties.* The market administrator shall:

(a) Within 45 days following the date upon which he enters upon his duties execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in the amount and with surety thereon satisfactory to the Secretary;

(b) Pay out of the funds provided by § 968.88 the cost of his bond, his own compensation, and all other expenses necessarily incurred by him in the maintenance and functioning of his office;

(c) Keep such books and records as will clearly reflect the transactions provided for herein and surrender the same to his successor or to such other person as the Secretary may designate;

(d) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who within 10 days after the date upon which he is required to perform such acts, has not (1) made reports pursuant to §§ 968.30 through 968.32 or (2) made payments pursuant to §§ 968.80 through 968.86; and

(e) Promptly verify the information contained in the reports submitted by handlers.

REPORTS, RECORDS AND FACILITIES

§ 968.30 *Periodic reports.* On or before the 7th day after the end of each delivery period each handler, except a producer-handler, shall, with respect to milk or dairy products which were purchased, received, or produced by such handler during such delivery period, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The receipts at each plant of milk from each producer or approved dairy farmer, the butterfat content, and the number of days on which milk was received from each producer;

(b) The receipts of milk, cream, and milk products from handlers who purchase or receive milk from producers or approved dairy farmers and the butterfat content;

(c) The receipts of milk, cream, and milk products from any other source and the butterfat content;

(d) The respective quantities of milk and milk products and the butterfat content which were sold, distributed or used, including sales to other handlers for the purpose of classification pursuant to § 968.40; and

(e) Such other information with respect to the use of the milk as the market administrator may request, including a separate statement of Class I and Class II milk disposed of within the marketing area.

§ 968.31 *Reports of payments.* On or before the 20th day after the end of each delivery period, upon the request of the market administrator, each handler who purchased or received milk from producers or approved dairy farmers shall submit to the market administrator his producer payroll for such delivery period which shall show for each producer and each approved dairy farmer: (a) His total deliveries of base milk and total deliveries of milk in excess of base milk, (b) the average butterfat content of his milk, and (c) the net amount of such handler's payments to such producer or approved dairy farmer with the prices, deductions, and charges involved.

§ 968.32 *Reports of producer-handlers.* Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator shall require.

§ 968.33 *Verification of reports and payments.* The market administrator shall verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose disposition of milk the classification depends. Each handler shall keep adequate records of receipts and utilization of milk and milk products and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to:

(a) Verify the receipts and disposition of all milk and milk products, and in case of errors or omissions, ascertain the correct figures;

(b) Weigh, sample, and test for butterfat content the milk purchased or received from producers and any product of milk upon which classification depends; and

(c) Verify the payments to producers prescribed in § 968.80.

§ 968.34 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 968.40 *Basis of classification.* All milk and milk products purchased, received or produced by each handler, including milk of a producer which a cooperative association causes to be delivered to a plant from which no milk is disposed of in the marketing area, shall be reported by the handler in the classes set forth in § 968.41 subject to the following conditions:

(a) Except as provided in paragraph (c) of this section, milk, skim milk, or cream moved in fluid form from an approved plant to an unapproved plant located more than 100 miles from the approved plant shall be Class I if moved in the form of milk or skim milk, and Class II if moved in the form of cream.

(b) Except as provided in paragraph (c) of this section, milk, skim milk, or cream moved in fluid form from an approved plant to an unapproved plant located not more than 100 miles from the approved plant and from which fluid milk and cream are distributed, shall be Class I if moved in the form of milk or skim milk and Class II if moved in the form of cream, unless the purchaser certifies that the market administrator may verify his records. If the market administrator is permitted to verify the necessary records such milk, skim milk, or cream, shall be classified as follows: (1) determine the classification of all milk received in the unapproved plant, and (2) allocate the milk, skim milk, or cream received from the approved plant to the highest use classification remaining after subtracting in series beginning with the highest use classification, the receipts of milk at such unapproved plant directly from dairy farmers who the market adminis-

trator determines constitute its regular source of milk for Class I and Class II use.

(c) Milk, skim milk, or cream, which is moved to an unapproved plant from an approved plant which regularly receives type C milk, and which is sold as "type C milk for manufacturing only" and is so tagged or labeled, may be classified as Class III milk up to the extent of the receipt of type C milk at the approved plant.

(d) Except as provided in paragraph (a) of this section, milk, skim milk, or cream, moved from an approved plant to an unapproved plant which does not distribute fluid milk or cream shall be classified as Class III milk.

(e) Milk or skim milk sold or disposed of by a handler who purchases or receives milk from producers to another handler shall be classified as Class I milk: *Provided*, That if such milk or skim milk, except milk or skim milk sold or disposed of by such handler to a producer-handler, is reported by the receiving handler or by the disposing handler as having been utilized as Class II milk or Class III milk, it shall be classified accordingly but in no event shall the amount classified in any class exceed the total use in such class by the receiving handler.

(f) Cream sold or disposed of as fluid cream by a handler who purchases or receives milk from producers to another handler shall be classified as Class II milk: *Provided*, That if such cream, except cream sold or disposed of by such handler to a producer-handler, is reported by the receiving handler or by the disposing handler as having been utilized as Class III milk, such cream shall be classified accordingly but in no event shall the amount classified in any class exceed the total use in such class by the receiving handler.

(g) Milk, skim milk, or cream sold or disposed of by a producer-handler to another handler who receives milk from producers shall be classified in the lowest use classification of the purchasing handler.

§ 968.41 *Classes of utilization.* Subject to the conditions set forth in § 968.40 the classes of utilization shall be as follows:

(a) Class I milk shall be all milk and skim milk disposed of for consumption as milk, skim milk, buttermilk, flavored milk and milk drinks, and all milk not classified as Class II milk or Class III pursuant to paragraphs (b) and (c) of this section.

(b) Class II milk shall be all milk used to produce cream which is disposed of in the form of cream (other than for use in products specified in paragraph (c) of this section), cottage cheese, products sold or disposed of in the form of cream testing less than 18 percent butterfat, aerated cream, and eggnog.

(c) Class III milk shall be all milk, used to produce butter, cheese (other than cottage cheese), evaporated milk, condensed milk, ice cream, ice cream mix and powdered milk; disposed of as livestock feed; used for starter churning, wholesale baking and candy making purposes; the milk equivalent of butterfat accounted for as loss in products where the salvage of fat is impossible; and the milk equivalent of unaccounted for butterfat not in excess of 3 percent of the total receipts of butterfat other than receipts from other handlers: *Provided*, That for the purpose of establishing such total receipts of butterfat, butterfat in milk diverted directly from producer's farms to another handler shall be included as receipts of the handler to whom such milk was diverted, and excluded from receipts of the diverting handler.

§ 968.42 *Responsibility of handlers in establishing the classification of milk.* In establishing the classification as required in § 968.41 of any milk received by a handler from producers, the burden rests upon the handler who receives the milk from producers to account for the milk and to prove to the market administrator that such milk should not be classified as Class I milk.

§ 968.43 *Computation of milk in each class.* For each delivery period each handler shall compute, in the manner and on forms prescribed by the market administrator, the amount of milk in each class as defined in § 968.41 as follows:

(a) Determine the total pounds of milk received as follows: add together total pounds of milk received at approved plants from (1) producers, (2) other handlers, and (3) other sources.

(b) Determine the total pounds of butterfat received as follows: (1) multiply by its average butterfat test the weight of the milk received at approved plants from (i) producers, (ii) other handlers, and (iii) other sources, and (2) add together the resulting amounts.

(c) Determine the total pounds of milk in Class I as follows: (1) convert to pounds the quantity of Class I milk on the basis of 2.15 pounds per quart, and subtract the weight of any flavoring materials included, (2) multiply the result by the average butterfat test of such milk, and (3) if the quantity of butterfat so computed when added to the pounds of butterfat in Class II milk and Class III milk, computed pursuant to paragraphs (a) (2) and (e) (4) of this paragraph is less than the total pounds of butterfat received computed in accordance with paragraph (b) of this section, an amount equal to the difference shall be divided by 3.8 percent and added to the quantity of milk determined pursuant to subparagraph (1) of this paragraph.

(d) Determine the total pounds of milk in Class II as follows: (1) Multiply the actual weight of each of the several products of Class II milk by its average butterfat test, (2) add together the resulting amounts, and (3) divide the result obtained in (2) of this paragraph by 3.8 percent.

(e) Determine the total pounds of milk in Class III as follows: (1) multiply the actual weight of each of the several products of Class III by its average butterfat test, (2) add together the resulting amounts, (3) subtract from the total pounds of butterfat computed pursuant to (b) of this section the total pounds of butterfat in Class I milk, computed pursuant to (c) (2) of this section, the total pounds of butterfat in Class II milk, computed pursuant to (d) (2) of this section and the total pounds of butterfat computed pursuant to (2) of this paragraph which resulting quantity shall be allowed as plant shrinkage for the purposes of this paragraph (but in no event shall such plant shrinkage allowance exceed 3 percent of the total receipts as specified in § 968.41 (c) of butterfat from producers by the handler), (4) add together the results obtained in (2) and (3) of this paragraph, and (5) divide the results obtained in (4) of this paragraph by 3.8 percent.

§ 968.44 *Allocation of milk classified.* Determine the classification of milk received from producers as follows:

(a) Subtract from the total pounds of milk in each class the pounds of milk which were received from other handlers and used in each class.

(b) Subtract from the remaining pounds of milk in each class the pounds of milk which were received from sources other than producers, and other handlers in series beginning with the lowest class.

§ 968.45 *Reconciliation of utilization of milk by classes with receipts of milk from producers.* In the event of a difference between the total quantity of milk used in the several classes as computed pursuant to § 968.44 and the quantity of milk received from producers, except for excess milk or milk equivalent of butterfat pursuant to § 968.62, such difference shall be reconciled as follows:

(a) If the total utilization of milk in the various classes for any handler, as computed pursuant to § 968.44, is less than the receipts of milk from producers, the market administrator shall increase the total pounds of milk in Class III for such handler by an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler.

(b) If the total utilization of milk in the various classes for any handler, as computed pursuant to § 968.44, is greater than the receipts of milk from producers, the market administrator shall decrease the total pounds of milk in Class III for such handler by an amount equal to the difference between the recipts from producers and the total utilization of milk by classes for such handler.

MINIMUM PRICES

§ 968.50 *Class prices.* Each handler shall pay at the time and in the manner hereinafter set forth not less than the following prices per hundredweight of milk received during each delivery period from producers:

(a) *Class I milk.* The price per hundredweight shall be the price determined pursuant to § 968.51 plus $1.00 during the months of April, May, and June of each year, and plus $1.45 during the remaining months of each year.

(b) *Class II milk.* The price per hundredweight shall be the price determined pursuant to § 968.51 plus 75 cents during the months of April, May, and June of

each year and plus $1.20 during the remaining months of each year.

(c) *Class III milk.* The price per hundredweight shall be the average of the prices paid during each delivery period for ungraded milk containing 3.8 percent butterfat at the following plants now operated by the listed companies: at Wichita, Kansas, by the DeCoursey Cream Company; at Blackwell, Oklahoma, by Wilson and Company; and at Arkansas City, Kansas, by the Arkansas City Cooperative Milk Association, but in no event shall the price be less than that paid at the plant at Wichita, Kansas, operated by the DeCoursey Cream Company.

§ 968.51 *Basic formula price to be used in determining Class I and Class II prices.* The basic formula price to be used in determining the Class I and Class II prices set forth in § 968.50 shall be the average of the basic or field prices ascertained to have been paid for milk of 3.5 percent butterfat content received during the immediately preceding delivery period at the following places for which prices are reported to the market administrator by the listed companies or by the United States Department of Agriculture (or by such other Federal agency as may be authorized to perform this price reporting function):

Companies and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Greenville, Wis.
Borden Co., Black Creek, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Jefferson, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
Borden Co., New London, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

divided by 3.5 and mutiplied by 3.8 but in no event shall such basic price be less than the following: multiply by 3.8 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture (or such other Federal agency as may be authorized to perform this price reporting function) for the immediately preceding delivery period, and add 20 percent; *Provided,* That such price shall be subject to the following adjustments: (a) add 3½ cents per hundredweight for each full one-half cent that the price of nonfat dry milk solids for human consumption is above 5½ cents per pound or (b) subtract 3½ cents per hundredweight for each full one-half cent that the price of such nonfat dry milk solids is below 5½ cents per pound. For purposes of determining this adjustment, the price of nonfat dry milk solids to be used shall be the average of carlot prices for nonfat dry milk solids for human consumption, f. o. b. manufacturing plant, as published by the United States Department of Agriculture (or such other Federal agency as may be authorized to perform this price reporting function) for the Chicago area during the immediately preceding delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such nonfat dry milk solids for the previous delivery period. In the event the United States Department of Agriculture (or such other Federal agency as may be authorized to perform this price reporting function) does not publish carlot prices for nonfat dry milk solids for human consumption, f. o. b. manufacturing plants, the average of the carlot prices for nonfat dry milk solids for human consumption, delivered at Chicago, shall be used. In the latter event, such price shall be subject to the following adjustments: (1) add 3½ cents per hundredweight for each full one-half cent that the price of nonfat dry milk solids for human consumption, delivered at Chicago, is above 7½ cents per pound, or (2) subtract 3½ per cents per hundredweight for each full one-half cent that such price of nonfat dry milk solids is below 7½ cents per pound.

§ 968.52 *Emergency provisions.* (a) Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy or other similar payments being made in connection with the milk or product associated with the price specified: *Provided,* That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum uniform price established by regulations of any Federal agency plus the amount of any such subsidy or other similar payment: *Provided further,* That if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

(b) Whenever the Secretary finds and announces that the Class I and Class II prices computed for any delivery period pursuant to § 968.50 are not in the public interest, the Class I and Class II prices for such delivery period shall be the same as the Class I and Class II prices for the previous delivery period.

APPLICATION OF PROVISIONS

§ 968.60 *Producer-handlers.* Sections 968.40 through 968.45, 968.50 through 968.52, 968.61 through 968.63, 968.70, 968.71, 968.80 through 968.88, shall not apply to a producer-handler.

§ 968.61 *Other source milk.* If a handler has purchased or received milk or butterfat from a producer-handler, or from sources other than from producers or other handlers, and has sold or disposed of such milk for other than Class III purposes, the market administrator, in determining the net pool obligation of the handler pursuant to § 968.70, shall add an amount equal to the difference between (a) the value of such milk or the milk equivalent of such butterfat according to its utilization by the handler and (b) the value at the Class III price. The provisions of this section shall not apply if the handler can prove to the market administrator that such milk or butterfat was used only to the extent that milk of producers was not available, either directly from producers or at the plant of another handler at the class prices provided pursuant to § 968.50 (a) and (b).

§ 968.62 *Excess milk.* If a handler, after subtracting receipts from other handlers, and receipts from sources determined as other than producers, or other handlers, has disposed of milk or butterfat in excess of the milk or butterfat which, on the basis of his reports, has been credited to his producers as having been delivered by them, the market administrator, in determining the net pool obligation of the handler, pursuant to § 968.70, shall add an amount equal to the value of such milk or butterfat according to its utilization by the handler.

§ 968.63 *Handler operating an approved plant which is not a pool plant.* Each handler who operates an approved plant which is not a pool plant during a delivery period, shall in lieu of the payments required pursuant to §§ 968.80 through 968.85, pay to the market administrator, for the producer-settlement fund, on or before the 25th day after the end of such delivery period, the amount resulting from the computations of either paragraph (a) or paragraph (b) of this section, whichever is less.

(a) The sum of (1) the product of the quantity of milk received by such handler which was disposed of in the marketing area as Class I milk during the delivery period multiplied by the difference between the price for Class I milk pursuant to § 968.50 (a) and the price for Class III milk pursuant to § 968.50 (c), and (2) the product of the quantity of milk received by such handler which was disposed of in the marketing areas as Class II milk during the delivery period multiplied by the difference between the price for Class II milk pursuant to § 968.50 (b) and the price for Class III milk pursuant to § 968.50 (c).

(b) Any plus amount resulting from the following computation:

(1) To an amount equqal to the net pool obligation which would be computed pursuant to § 968.70 for such handler for such delivery period if such handler operated a pool plant, add for each one-tenth percent by which the average butterfat content of milk received from approved dairy farmers by such handler is greater than 3.8 percent, or subtract for each one-tenth percent that such average butterfat content is less than 3.8 percent, an amount computed by multiplying the butterfat differential computed pursuant to § 968.82 by the total hundredweight of such milk; and

(2) Deduct the gross payments made by such handler to approved dairy farmers for milk received during such delivery period.

DETERMINATION OF UNIFORM PRICE TO PRODUCERS

§ 968.70 *Net pool obligations of handlers.* The net pool obligation of each handler for milk received from producers during each delivery period shall be a sum of money computed for such delivery period by the market administrator as follows: Multiply the pounds of milk in each class computed pursuant to § 968.44 by the class price pursuant to § 968.50, add together the resulting values, and add the value of any payments required to be made pursuant to §§ 968.61 and 968.62.

§ 968.71 *Computation and announcement of uniform prices.* For each delivery period the market administrator shall compute and announce the uniform prices per hundredweight for base milk and excess milk as follows:

(a) Combine into one total the net pool obligations of all handlers computed pursuant to § 968.70 who made the reports prescribed by § 968.30 for such delivery period and who made the payments prescribed by §§ 968.80 and 968.84 for the preceding delivery period;

(b) Add an amount equal to one-half of the cash balance in the producer-settlement fund less the amount due handlers pursuant to § 968.86;

(c) Compute the total value of the milk included in these computations which is in excess of the delivered base of producers by assigning such milk first to Class III milk and then to each succeeding higher classification until all such milk has been classified, and then multiplying the total pounds of excess milk assigned to each class by the appropriate class price and adding together the resulting amounts;

(d) Divide the total value of excess milk obtained in paragraph (c) of this section by the total hundredweight of such milk and round to the nearest cent. This result shall be known as the uniform price for excess milk of 3.8 percent butterfat;

(e) Subtract the value of excess milk obtained in paragraph (c) of this section from the value of all milk obtained in paragraph (a) of this section and adjust by any amount involved in rounding the uniform price for excess milk to the nearest cent;

(f) Divide the result obtained in paragraph (e) of this section by the total hundredweight of milk represented by the delivered bases of producers.

(g) Subtract not less than 4 cents nor more than 5 cents; the result shall be known as the uniform price per hundredweight for such delivery period for base milk of producers containing 3.8 percent butterfat.

PAYMENTS

§ 968.80 *Time and method of payment.* On or before the 12th day after the end of each delivery period each handler shall make payment, after deducting the amount of the payment made pursuant to § 968.81, subject to the butterfat differential set forth in § 968.82 for milk purchased or received from producers by such handler during each delivery period as follows:

(a) To each producer, except as set forth in paragraph (c) of this section, not less than the uniform price per hundredweight computed pursuant to § 968.71 (g) for that quantity of milk received from such producer not in excess of such producer's base;

(b) To each producer, except as set forth in paragraph (c) of this section, not less than the excess price, computed pursuant to § 968.71 (d), for that quantity of milk received from such producer in excess of such producer's base; and

(c) To a cooperative association for milk which it caused to be delivered to a handler from producers and for which such cooperative association collects payments, a total amount equal to not less than the sum of the individual payments otherwise payable to such producers under paragraphs (a) and (b) of this section.

§ 968.81 *Half delivery period payments.* On or before the 27th day of each delivery period, each handler shall make payment to each producer for the approximate value of the milk of such producer which, during the first 15 days of such delivery period, was received by such handler.

§ 968.82 *Butterfat differential.* If, during the delivery period, any handler has purchased or received from any producer milk having an average butterfat content other than 3.8 percent, such handler in making the payments prescribed in § 968.80 shall add to the prices per hundredweight for such producers for each one-tenth of 1 percent of average butterfat content in milk above 3.8 percent not less than, or shall subtract from such prices for such producer for each one-tenth of 1 percent of average butterfat content in milk below 3.8 percent not more than, an amount computed as follows: to the average price of 92-score butter at wholesale in the Chicago market as reported by the United States Department of Agriculture (or such other Federal agency as may hereafter be authorized to perform this price reporting function) for the delivery period during which such milk was received, add 20 percent and divide the resulting sum by 10.

§ 968.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 968.84, 968.86 and 968.63, and out of which he shall make all payments to handlers pursuant to §§ 968.85 and 968.86: *Provided,* That the market administrator shall offset any such payment due to any handler against payments due from such handler. Immediately after computing the uniform price for each delivery period, the market administrator shall compute the amount by which each handler's net pool obligation, including the payments to producers which are required to be made pursuant to §§ 968.61 and 968.62, is greater or less than the sum obtained by multiplying the hundredweight of milk of producers by the appropriate prices required to be paid producers by handlers pursuant to § 968.80 and adding together the resulting amounts, and shall enter such amount on each handler's account as such handler's pool debit or credit, as the case may be, and render such handler a transcript of his account.

§ 968.84 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each delivery period, each handler shall pay to the market administrator for payment to producers through the producer-settlement fund, the amount by which the net pool obligation of such handler including the payments required to be made pursuant to §§ 968.61 and 968.62 is greater than the sum required to be paid producers by such handler pursuant to §§ 968.80 and 968.81.

§ 968.85 *Payments out of the producer-settlement fund.* (a) On or before the 12th day after the end of each delivery period, the market administrator shall pay to each handler for payment to producers the amount by which the sum required to be paid producers by such handler pursuant to §§ 968.80 and 968.81 is greater than the net pool obligation of such handler, including the payments required to be made pursuant to §§ 968.61 and 968.62.

(b) If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. No handler who, on the 12th day after the end of the delivery period, has not received the balance of such reduced payment from the market administrator, shall be deemed to be in violation of § 968.80 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

§ 968.86 *Adjustment of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to the producer-settlement fund made pursuant to § 968.84, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to § 968.85, the market administrator shall, within 5 days make payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer discloses payment to such producer of an amount which is less than is required by this section, the handler shall make up such payment to the producer not later than the time of making payment to producers next following the disclosure.

§ 968.87 *Marketing services.*—(a) *Deductions from marketing services.* Except as set forth in paragraph (b) of this section, each handler shall deduct 4 cents per hundredweight, or such

lesser amount as the Secretary may prescribe, from the payments made to each producer other than himself pursuant to § 968.80 (a) and (b) with respect to all milk of such producer purchased or received by such handler during the delivery period and shall pay such deductions to the market administrator on or before the 12th day after the end of such delivery period. Such moneys shall be used by the market administrator to verify weights, samples and tests of milk received from, and to provide market information to such producers. The market administrator may contract with a cooperative association or cooperative associations for the furnishing of the whole or any part of such services.

(b) *Deductions with respect to members of a cooperative association.* In the case of producers for whom a cooperative association which the Secretary determines to be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," is actually performing, as determined by the Secretary, the services set forth in (a) of this section, each handler shall make the deductions from the payments to be made directly to producers pursuant to § 968.80 (a) and (b) which are authorized by such producers, and, on or before the 12th day after the end of each delivery period, pay over such deductions to the association of which such producers are members.

§ 968.88 *Expense of administration.* As his pro rata share of the expense of the administration hereof, each handler who purchased or received milk from producers, with respect to all milk received from approved dairy farmers during the delivery period, shall pay to the market administrator, on or before the 10th day after the end of such delivery period, an amount not exceeding 4 cents per hundredweight, which amount shall be determined by the market administrator subject to review by the Secretary.

§ 968.89 *Termination of obligation.* The provisions of this section shall apply to any obligation under this order for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representative all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

BASE RATING

§ 968.90 *Determination of period base.* For each delivery period the base of each producer shall be a quantity of milk calculated by the market administrator in the following manner: Multiply the applicable figure computed pursuant to § 968.91 by the number of days during such delivery period on which milk was received from such producer.

§ 968.91 *Determination of daily base.* (a) Effective January 1, 1948, and for each subsequent year thereafter the daily base of each producer, who regularly delivered milk to a handler during the next previous delivery periods of August, September, October, and November shall be computed by the market administrator in the following manner: Determine for each such producer his average daily delivery of milk to a handler for the time he delivered during the period from the next previous August 1 to November 30.

(b) The daily base of each producer who did not regularly deliver milk to a handler during the next previous delivery periods of August, September, October, and November but who began deliveries of milk to a handler subsequent to August 31 shall be computed by the market administrator in the following manner: For each delivery period from the date upon which the producer first delivers milk to a handler until January 1 after he shall have established a base pursuant to paragraph (a) of this section, the market administrator shall multiply such producer's daily average deliveries of milk during such period by the percentage that total base deliveries are to total deliveries of all producers.

(c) In case of a handler who is also a producer and who disposes of all of his delivery routes to another handler who is not a producer, the market administrator shall determine the daily average of the total sales of Class I milk and Class II milk by such producer during the preceding three months. The figures so determined shall be such producer's base until his base may be established pursuant to paragraph (a) of this section.

§ 968.92 *Base rules.* (a) Any producer who ceases to deliver milk to a handler for a period of more than 30 consecutive days shall forfeit his base. In the event such producer thereafter commences to deliver milk to a handler he shall be allotted a daily base computed in the manner provided in § 968.91.

(b) A landlord who rents on a share basis shall be entitled to the entire daily base to the exclusion of the tenant if the landlord owns the entire herd. A tenant who rents on a share basis shall be entitled to the entire daily base to the exclusion of the landlord if the tenant owns the entire herd. If the cattle are jointly owned by the tenant and landlord, the daily base shall be divided between the joint owners according to ownership of the cattle when such share basis is terminated.

(c) A producer, whether landlord or tenant, may retain his base when moving his entire herd of cows from one farm to another: *Provided*, That at the beginning of a tenant and landlord relationship the base of each landlord and tenant may be combined and may be divided when such relationship is terminated.

(d) Base may be transferred only under the following conditions: (1) in case of the death of a producer, his base may be transferred to a surviving member or members of his family who carry on the dairy operations, and (2) on the retirement of a producer, his base may be transferred to an immediate member of his family who carries on the dairy operations.

(e) The base of two producers may be combined in the case of forming a partnership, or may be divided in the case of the dissolution of a partnership.

(f) For the purposes of this section only, the term "producer" shall include any person who has been a producer as defined in § 968.6 but whom the Wichita Board of Health has suspended temporarily for failure to produce milk in conformity with the applicable health regulations of the city of Wichita, Kansas.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 968.100 *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to (b) of this section.

§ 968.101 *Suspension or termination.* Any or all of the provisions hereof, or any amendment hereto, may be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary shall give and shall, in any event, terminate whenever the provisions of the act cease to be in effect.

§ 968.102 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all provisions hereof there are any obligations arising hereunder the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until removed, (2) from time to time account for all receipts and disbursements and when so directed by the Secretary deliver all funds on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary execute assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 968.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property than in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

AGENTS

§ 968.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

Filed at Washington, D. C., this 5th day of February 1951.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator.

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NOTICES

POST OFFICE DEPARTMENT

TEMPORARY MAIL SERVICE RESTRICTIONS

On February 7, 1951, under authority of R. S. 161, 396, 3974, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369, 39 U. S. C. 492, Order No. 45275, reading as follows, was issued by the Postmaster General:

In view of partial restorations of train service the order of February 3, 1951, is superseded by this order which is effective immediately.

Restricted categories of mail will consist of second-class (except daily newspapers), all third- and fourth-class matter, and matter of the first-class exceeding eight ounces in weight. Restrictions will not apply to medicine, drugs, serums, laboratory specimens, artificial limbs, dentures, eyeglasses, surgical instruments, surgical dressings, or to money shipments by banks.

The post office at Saint Louis, Missouri, and adjoining offices and post offices located in the States of Illinois, Indiana, Ohio and Michigan (except the northern peninsula) will not accept mail of the restricted categories excepting that no restrictions apply to mail for local delivery (including rural routes, star routes and highway post offices).

Post offices located in states west of the Mississippi River and in the States of Wisconsin and Minnesota and the northern peninsula of Michigan will not accept matter of the restricted categories addressed for delivery within any state located east of the Mississippi River or the city of Saint Louis.

Post offices located in States east of the Mississippi River will not accept matter of the restricted categories addressed for delivery in any State west of the Mississippi River or in the States of Illinois, Indiana, Ohio, Michigan, Minnesota and Wisconsin.

No restrictions apply to mail for local delivery (including rural routes, star routes and highway post offices), to air mail or air parcel post, or to mails originating at or destined for delivery at nearby points on local lines between which it is known that no interference with transportation exists.

The foregoing supersedes Order No. 45233 of the Postmaster General, dated February 1, 1951, and Order No. 45254 of the Postmaster General, dated February 3, 1951, (16 FR 1091).

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 51-2126; Filed, Feb. 8, 1951; 12:07 p. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

AMERICAN-EGYPTIAN COTTON

DETERMINATION OF REQUIRED LEVEL OF PRICE SUPPORT FOR 1951-CROP AMSAK AND PIMA 32 COTTON

Pursuant to the authority contained in section 402 of the Agricultural Act of 1949 (7 U. S. C. Sup. 1422), following a public hearing of which reasonable notice had been given (16 F. R. 554), and based upon information adduced at such hearing and other information available to me, I hereby determine that, in order to increase the domestic production of Amsak and Pima 32 cotton in the interest of national security, it is necessary to support the 1951-crop of Amsak and Pima 32 cotton at the following levels which exceed 90 percent of the parity price:

Grade	Staple					
	1 3/8"		1 7/16"		1 1/2" and longer	
	Ariz. and Calif.	N. Mex. and Texas	Ariz. and Calif.	N. Mex. and Texas	Ariz. and Calif.	N. Mex. and Texas
1	101.55	101.95	104.90	105.30	106.05	106.45
1 1/2	100.45	100.85	103.80	104.20	104.90	105.30
2	98.20	98.80	101.55	101.95	103.80	104.20
2 1/2	93.75	94.15	98.20	98.60	100.45	100.85
3	89.25	89.65	94.85	95.25	97.10	97.50
3 1/2	83.65	84.05	88.15	88.55	91.50	91.90
4	78.10	78.50	80.30	80.70	83.65	84.05
4 1/2	72.50	72.90	74.75	75.15	75.85	76.25
5	66.90	67.30	69.15	69.55	71.35	71.75

The foregoing levels represent cents per pound net weight.

Done at Washington, D. C., this 5th day of February 1951.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 51-2018; Filed, Feb. 8, 1951; 8:47 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

NOTICE OF ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Supp. 214), and Part 522 issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms listed below. The employment of learn-

ers under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in those regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended September 25, 1950; 15 F. R. 5701; 6326).

Ainsbrooke, Inc., Dothan, Ala., effective 1-26-51 to 12-13-51; for normal labor turnover, 10 percent of workers engaged in manufacture of men's woven pajamas (shorts and pajamas).

Ashley Shirt Corp., 304 Main Street, Branford, Conn., effective 1-23-51 to 1-22-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (men's cotton dress shirts).

Blue Bell, Inc., North Webster, Ind., effective 1-30-51 to 7-29-51; 40 learners for expansion purposes (denim dungarees).

Blue Bell, Inc., Nappannee, Ind., effective 1-30-51 to 7-29-51; 40 learners for expansion purposes (dungarees).

Borava Sportswear Inc., Baracoo, Wis., effective 1-27-51 to 1-26-52; 10 learners normal labor turnover (ladies' sportswear).

The Buckeye Overall Co., Coldwater, Ohio, effective 1-26-51 to 1-25-52; 10 percent normal labor turnover (children's pants and shirts).

Dillsburg Pants Co., Dillsburg, Pa., effective 1-25-51 to 1-24-52; five learners normal labor turnover (men's and boys' trousers).

Evergreen Garment Co., Inc., Evergreen, Ala., effective 1-26-51 to 1-25-52; 10 percent normal labor turnover (men's sport and dress shirts).

Fuller Sportswear, 1123 Broad Street, Fullerton, Pa., effective 1-23-51 to 1-22-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (blouses).

Gloucester Pants Co., 211 East Main Street, Gloucester, Mass., effective 1-26-51 to 1-25-52; 10 learners normal labor turnover (men's and boys' pants).

J. Grinchuck Co., Braidwood, Ill., effective 1-26-51 to 1-25-52; 10 percent normal labor turnover (boys' and students' trousers).

Hagale Garment Co., Reeds Spring, Mo., effective 1-26-51 to 1-25-52; five learners normal labor turnover (work clothes).

Husin Shirt Co., 14-16 Rose Street, Ephrata, Pa., effective 1-29-51 to 1-28-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (dress shirts, etc.).

I. C. Isaacs & Co., Inc., Bank and Grundy Streets, Baltimore, Md., effective 1-27-51 to 7-26-52; 18 additional learners for expansion purposes only (breeches, pants, ski suits).

Joseph's Manufacturing Co., Main and Second Street, Taylor, Tex., effective 1-26-51 to 1-25-52; 10 learners normal labor turnover (boys' and girls' play clothes).

Lerner Slone Clothing Corp., 304 East Main Street, Carbondale, Ill., effective 1-26-51 to 1-25-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (men's dress trousers and slacks).

Martin Shirt Co., 27 East Poplar Street, Shenandoah, Pa., effective 1-29-51 to 1-28-52; 10 percent normal labor turnover (boys' shirts).

Maytown Manufacturing Co., Maytown, Pa., effective 1-25-51 to 1-24-52; five learners normal labor turnover (ladies' nightwear).

Mysie Sportswear Inc., 314 North Thirteenth Street, Philadelphia 7, Pa., effective 1-25-51 to 1-24-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (cotton outer garments).

Partridge Textiles, Inc., 283 West Pine Street, Mount Airy, N. C., effective 1-24-51 to 1-23-52; five learners normal labor turnover (children's cotton woven underwear).

Peerless Shirt & Overhall Manufacturing Co., 253 South Main Street, Wilkes-Barre, Pa., effective 1-25-51 to 1-24-52; 10 learners normal labor turnover (dungarees, pants, longies).

Pittston Apparel Co., Inc., East and Tompkins Streets, Pittston, Pa., effective 1-25-51 to 1-24-52; for normal labor turnover, 56 additional learners for expansion purposes only (foundation garments).

Premier Trouser Co., 1401 South Sixteenth Street, Philadelphia, Pa., effective 1-26-51 to 1-25-52; five learners normal labor turnover (men's trousers).

Quaker Manufacturing Co., 19-21 St. Louis Street, Lewisburg, Pa., effective 1-23-51 to 1-22-52; 10 learners normal turnover (ladies' nightwear).

R. C. Manufacturing Co., 1609 Third Avenue North, Escanaba, Mich., effective 1-26-51 to 1-25-52; five learners normal labor turnover (foundation garments).

R. C. Manufacturing Co., 1608 Third Avenue North, Escanaba, Mich., effective 1-26-51 to 7-25-51; 35 additional learners for expansion purposes only (foundation garments).

Rice-Stix Factory No. 20, Slater, Mo., effective 1-24-51 to 7-23-51; 30 learners for expansion purposes, to be employed on men's and boys' sport shirts only (men's and boys' sport shirts).

Rival Dress Co., 110 West Elaine Street, McAdoo, Pa., effective 1-26-51 to 1-25-52; 10 learners normal labor turnover (ladies' dresses).

Albert Rosenblatt & Sons, Inc., Main Street, Poultney, Vt., effective 1-29-51 to 1-28-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (dresses, robes, housecoats).

Albert Rosenblatt & Sons, Inc., Cleveland Avenue, Rutland, Vt., effective 1-29-51 to 1-28-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (dresses, robes, and housecoats).

Royal Manufacturing Co., Inc., Sandersville, Ga., effective 1-27-51 to 7-26-51; 15 additional learners for expansion purposes only (shirts and allied garments).

Royal Manufacturing Co., Inc., Sandersville, Ga., effective 1-27-51 to 1-26-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (shirts and allied garments).

Seneca Sportswear Manufacturing Co., Leggett and Clark Streets, Scranton, Pa., effective 2-1-51 to 1-31-52; 10 learners normal labor turnover (boys' outerwear).

Sharl Manufacturing Co., 19 New Bennett Street, Wilkes-Barre, Pa., effective 1-29-51 to 1-28-52; five learners normal labor turnover (ladies' dresses).

Stitchmaster Corp., 116 Mitchell Street SW., Atlanta, Ga., effective 2-1-51 to 1-31-52; five learners normal labor turnover (ladies casual dresses and sportswear).

Thorntown Textile Co., Inc., Thorntown, Ind., effective 1-26-51 to 1-25-52; 10 learners normal labor turnover (cotton blouses).

Thorntown Textile Co., Inc., Thorntown, Ind., effective 1-26-51 to 7-25-51; five additional learners for expansion purposes only (cotton blouses).

Trouser Corp. of America, Meadow Avenue and Maple Street, Scranton, Pa., effective 1-26-51 to 1-25-52; 10 percent normal labor turnover (men's and boys' trousers).

Trouser Corp. of America, 284 Main Street, Dupont, Pa., effective 1-26-51 to 1-25-52; five learners normal labor turnover (men's and boys' trousers).

Trouser Corp. of America, 201 Chestnut Street, Dunmore, Pa., effective 1-26-51 to 1-25-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (men's and boys' trousers).

Valoray, Inc., 8502 San Fernando Road, Sun Valley, Calif., effective 2-1-51 to 1-31-52; 10 learners normal labor turnover (blouses).

Westway Sportswear, Inc., Plano, Tex., effective 1-26-51 to 1-25-52; 10 percent normal labor turnover (ladies' dresses).

Westway Sportswear, Inc., Decatur, Tex., effective 1-26-51 to 1-25-52; five learners normal labor turnover (children's dresses).

Westway Sportswear, Inc., Cleburne, Tex., effective 1-26-51 to 1-25-52; for normal labor turnover, 10 percent or 10 learners, whichever is greater (children's dresses).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised January 25, 1950; 15 F. R. 283).

Albany Manufacturing Co., Inc., Albany, Ga., effective 1-22-51 to 7-21-51; five additional learners for expansion purposes.

Belding Hosiery Mills, Inc., Anaheim, Calif., effective 1-31-51 to 7-30-51; five learners normal labor turnover.

Bland Hosiery Mills, Inc., Bland, Va., effective 1-22-51 to 7-21-51; five additional learners for expansion purposes.

Cross Hill Hosiery Mill, Cross Hill, S. C., effective 1-26-51 to 7-25-51; five learners normal labor turnover.

Elizabeth City Hosiery Mills, Elizabeth City, N. C., effective 1-22-51 to 7-21-51; six additional learners for normal labor turnover.

Ellisville Hosiery Mills, Inc., Ellisville, Miss., effective 1-25-51 to 7-24-51; seven additional learners for expansion purposes.

Flair Hosiery Mills, Inc., Hartsville, S. C., effective 1-25-51 to 7-24-51; six learners for expansion purposes.

Graysville Hosiery Mills, Inc., Dayton, Tenn., effective 1-25-51 to 7-24-51; fifteen additional learners for expansion purposes.

Great American Knitting Mills, Inc., Bechtelsville, Pa., effective 1-22-51 to 7-21-51; five additional learners for expansion purposes.

Hansen Hosiery Mills, Inc., Chambersburg, Pa., effective 1-24-51 to 7-23-51; 15 learners for expansion purposes.

Henfine Hosiery Mills Co., Butner, N. C., effective 1-26-51 to 7-25-51; 32 learners for expansion purposes.

Hodges Knitting Mills, Milledgeville, Ga., effective 1-25-51 to 7-24-51; five additional learners for expansion purposes.

Portage Hosiery Co., Portage, Wis., effective 1-29-51 to 7-28-51; 50 learners for expansion purposes only.

Prim Hosiery, Inc., Chester, Ill., effective 1-22-51 to 7-21-51; five additional learners for expansion purposes.

Princeton Hosiery Mills, Inc., Princeton, Ky., effective 1-22-51 to 7-21-51; 23 additional learners for expansion purposes.

Tip-Top Hosiery Mills, Inc., Asheboro, N. C., effective 1-22-51 to 7-21-51; 14 additional learners for expansion purposes.

Vance Hosiery Plant, Kernersville, N. C., effective 1-22-51 to 7-21-51; seven additional learners for expansion purposes.

Knitted Wear Industry Learner Regulations (29 CFR 522.69 to 522.79, as amended January 25, 1950; 15 F. R. 398).

Ainsbrooke, Inc., Dothan, Ala., effective 1-26-51 to 12-13-51; for normal labor turnover, three learners on men's woven shorts only.

Halsen Manufacturing Co., Slatington, Pa., effective 1-25-51 to 1-24-52; four learners normal labor turnover.

Rice—Stix Factory No. 17, Houston, Miss., effective 1-24-51 to 7-23-51; 10 learners for expansion purposes only.

Shoe Industry Learner Regulations (29 CFR 522.250 to 522.260; 15 F. R. 6546).

Maisak Handler Shoe Co., Inc., Senath, Mo., effective 1-26-51 to 7-31-51; 35 learners normal labor turnover.

Robinson Manufacturing Co., Outer W. Main, Robinson, Ill., effective 1-26-51 to 12-15-51; 10 percent normal labor turnover.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14).

Bodnar Neckwear Co., Philadelphia, Pa., effective 1-26-51 to 1-25-52; five learners normal labor turnover (men's neckwear).

M. Goldenberg & Sons, Inc., Philadelphia, Pa., effective 1-26-51 to 1-25-52; three learners normal labor turnover (neckwear).

Hyde Park Clothes, Inc., Newport, Ky., effective 1-23-51 to 1-22-52; 7 percent normal labor turnover (men's clothing).

Hyde Park Clothes, Inc., Newport, Ky., effective 1-23-51 to 7-22-51; 25 learners for expansion purposes only (men's clothing).

Kay Bros. Inc., Baltimore, Md., effective 1-26-51 to 7-25-51; five learners normal labor turnover (women's felt and straw hats).

Charles Navasky & Co., Inc., Philipsburg, Pa., effective 1-30-51 to 1-29-52; for normal labor turnover, 7 percent of employees employed on men's and boys' clothing (men's topcoats and overcoats).

Sandess Manufacturing Co., Philadelphia, Pa., effective 1-30-51 to 1-29-52; seven learners normal labor turnover (boys' clothing).

See Gal Manufacturing Co., Johnstown, Pa., effective 2-1-51 to 1-31-52; five learners normal labor turnover (silk covered ladies belts, pleating covered buckles).

Styl-Rite Optical Manufacturing Co., Inc., Miami, Fla., effective 1-22-51 to 7-21-51; nine learners normal labor turnover (eye glass frames).

Vokay Manufacturing Co., Inc., Wilkes-Barre, Pa., effective 2-1-51 to 1-31-52; five learners normal labor turnover (embroidery).

Wilson Awning Co., Newport News, Va., effective 1-29-51 to 7-28-51; three learners normal labor turnover (canvas articles).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 1st day of February 1951.

ISABEL FERGUSON,
Authorized Representative of the Administrator.

[F. R. Doc. 51-2006; Filed, Feb. 8, 1951; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4015 et al.]

ALL AMERICAN AIRWAYS, INC.; SERVICE TO ASBURY PARK, N. J., CASE

NOTICE OF HEARING

In the matter of a proceeding known as the Service to Asbury Park, N. J., case.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on February 19, 1951, at 10:00 a. m., e. s. t., in Room 4823, Department of Commerce Building, Fourteenth Street between E Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Without limiting the scope of the issues presented by the parties in this proceeding, particular attention will be paid to the following matters and questions:

(1) Whether amendment of the certificate of All American for route No. 97 so as to extend segment 2 of the route beyond its present terminal Atlantic City, N. J., to the co-terminal points New York, N. Y.-Newark, N. J., via the intermediate point Asbury Park-Long Branch-Monmouth Beach, N. J., is required by the public convenience and necessity;

(2) If so, is All American Airways, Inc., fit, willing, and able to perform such transportation properly and to conform to the provisions of the act and the rules, regulations, and requirements of the Board.

Notice is further given that any person desiring to be heard in opposition to this proceeding must file with the Board on or before February 19, 1951, a statement setting forth the issues of fact or law which he desires to controvert.

For further details of the service proposed and authorization requested interested parties are referred to the applications on file with the Civil Aeronautics Board.

Dated at Washington, D. C., February 5, 1951.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 51-2026; Filed, Feb. 8, 1951; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9890]

ALBERT TONE

ORDER DESIGNATING HEARING ON SUSPENSION OF LICENSE

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of January 1951;

It appearing, that acting in accordance with the provisions of section 303 (m) (2) of the Communications Act of 1934, as amended, Albert Tone, RD No. 19 Nixon, New Brunswick, New Jersey, filed with the Commission within the time provided therefor, an application requesting a hearing on the Commission's Order of November 13, 1950, suspending for a period of one year his amateur radio operator license; and

It further appearing, that under the provisions of section 303 (m) (2) of the Communications Act of 1934, as amended, the said licensee is entitled to a hearing in the matter, and that upon the filing of a timely written application therefor, the Commission's Order of Suspension is held in abeyance until the conclusion of proceedings in the said hearing:

It is ordered, That the matter of the suspension of the amateur radio operator license of Albert Tone is hereby designated for hearing before a Commission Examiner at 10:00 a. m., on February 15, 1951, at the office of the Federal Communications Commission in Washington, D. C., upon the following issues:

1. To determine whether the licensee committed the violation of the Commission's rules set forth in the Commission's Order of Suspension.

2. If the licensee committed such violation, to determine whether the facts or circumstances in connection therewith would warrant any change in the terms of the Commission's Order of Suspension.

It is further ordered, That copy of this order be transmitted by Registered Mail, Return Receipt Requested to Albert Tone, RD No. 19 Nixon, New Brunswick, New Jersey.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2030; Filed, Feb. 8, 1951; 8:49 a. m.]

[Docket No. 9891]

RADIOMARINE CORP. OF AMERICA

ORDER INSTITUTING INVESTIGATION

In the matter of Radiomarine Corporation of America, charges, classifications, regulations and practices, for and in connection with Ship/Shore Radiotelephone Service via foreign coastal stations; Docket No. 9891.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of January 1951;

The Commission having under consideration certain new tariff schedules filed with it by Radiomarine Corporation of America, to become effective February 9, 1951, and designated as Radiomarine Corporation of America Tariff F. C. C. No. 11;

It appearing, that the above-mentioned new tariff schedules purport to establish charges, classifications, regulations and practices applicable to the "ship station" portion of telephone service between maritime mobile stations licensed to Radiomarine Corporation of America on the one hand and points on

land and other maritime mobile stations on the other hand, via foreign coastal stations;

It further appearing, that such charges, classifications, regulations and practices may be in conflict with those contained in the presently effective tariff schedules issued by American Telephone and Telegraph Company applicable to same service in which schedules Radiomarine Corporation of America concurs;

It further appearing, that the new tariff schedules of Radiomarine Corporation of America will result in a substantial increase in charges to the public for the service to which they are applicable;

It further appearing, that the Commission is unable to determine from an examination of the above-mentioned tariff schedules whether the charges, classifications, regulations and practices therein contained will be just and reasonable or otherwise lawful under the provisions of the Communications Act of 1934, as amended.

It further appearing, that, if the above-mentioned tariff schedules were permitted to become effective on the date specified therein, the rights and interests of the public might be adversely affected thereby;

It is ordered, That, pursuant to sections 201, 202, 204, 205 and 403 of the Communications Act of 1934, as amended, the Commission on its own motion and without formal pleading, shall enter upon a hearing and investigation concerning the lawfulness of the charges, classifications, regulations and practices contained in the above-mentioned new tariff schedules of the Radiomarine Corporation of America;

It is further ordered, That, pursuant to section 204 of the Communications Act of 1934, as amended, the operation of the above-mentioned new tariff schedules of Radiomarine Corporation of America is hereby suspended until May 9, 1951, unless otherwise ordered by the Commission, and that during said period of suspension no changes shall be made in said tariff schedules, unless authorized by special permission;

It is further ordered, That pursuant to sections 201, 202, 204, 205 and 403 of the Communications Act of 1934, as amended, an investigation is instituted into the lawfulness of the charges, classifications, regulations and practices of American Telephone and Telegraph Company in connection with telephone service between ship stations and points in the United States via foreign coastal stations;

It is further ordered, That, without in any way limiting the scope of the investigation, it shall include inquiry into the following specific matters;

(1) The basis upon which the proposed new "ship station" charges were determined and the justification therefor;

(2) Probable effect of the proposed increased charges upon public demand for the service;

(3) Whether the proposed new "ship station" charges should be collected from the customer in addition to the through charges published by American Telephone and Telegraph Company or should be paid by American Telephone and Telegraph Company out of such through charges;

(4) Whether the above-mentioned new tariff schedules comply with section 203 (a) of the Communications Act of 1934, as amended, and § 61.73 and related sections of Part 61 of the Commission's rules regarding the publication of through charges;

It is further ordered, That in the event a decision as to the lawfulness of the charges, classifications, regulations and practices herein suspended has not been made during the aforesaid suspension period, and said charges, classifications, regulations and practices set forth in the above-mentioned tariff schedules go into effect, Radiomarine Corporation of America shall, until further order of the Commission, keep accurate accounts of all amounts charged, collected or received by reason of the charges set forth in said tariff schedules, specifying by whom and in whose behalf such amounts are paid and shall file with the Commission a report on or before the 10th of each calendar month, commencing June 10, 1951, showing the amounts accounted for as aforesaid during the previous calendar month;

It is further ordered, That a copy of this order be filed in the offices of the Commission with the tariff schedules herein suspended; that Radiomarine Corporation of America and American Telephone and Telegraph Company are hereby made parties respondent to this proceeding; and that a copy hereof be served on each such respondent;

It is further ordered, That hearings be held in this proceeding at the offices of the Commission in Washington, D. C., beginning at 10 a. m. on the 12th day of March 1951; that Elizabeth C. Smith is assigned to preside at such hearings; and that the presiding officer shall certify the record to the Commission for decision and shall not prepare either a recommended decision or initial decision.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2031; Filed, Feb. 8, 1951; 8:49 a. m.]

[Docket No. 9893]

S. W. WARNER AND E. N. WARNER

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of S. W. Warner and E. N. Warner d/b as Warner Brothers (KWBR), Oakland, California, for construction permit; Docket No. 9893, File No. BP-7709.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of January 1951;

The Commission having under consideration the above-entitled application requesting construction permit to install new transmitter and increase daytime power of Station KWBR, Oakland, California from 1 kilowatt to 5 kilowatts;

It appearing, that the applicant is legally, technically, financially and otherwise qualified to operate Station KWBR as proposed but that the application may not comply with the standards of Good Engineering Practice particularly with reference to population residing within the 250 mv/m blanket contour;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application is designated for hearing at 10:00 a. m. on March 16, 1951, at Washington, D. C., upon the following issue:

1. To determine whether the installation and operation of Station KWBR as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the population residing within the 250 mv/m blanket contour.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2032; Filed, Feb. 8, 1951; 8:50 a. m.]

[Docket Nos. 9894, 9895, 9896]

BOOTH RADIO & TELEVISION STATIONS, INC., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Booth Radio & Television Stations, Inc., Lansing, Michigan, Docket No. 9894, File No. BP-7905; John C. Pomeroy, Pontiac, Michigan, Docket No. 9895; File No. BP-7811; Adelaide Lillian Carrell, Flint, Michigan, Docket No. 9896, File No. BP-7840; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of January 1951;

The Commission having under consideration (1) the above-entitled applications of Booth Radio and Television Stations, Inc., for a new standard broadcast station to operate on the frequency 1470 kc, with 1 kilowatt power, daytime only, at Lansing, Michigan; of John C. Pomeroy for a new standard broadcast station to operate on the frequency of 1460 kc, with 500 watts, daytime only, at Pontiac, Michigan; and of Adelaide Lillian Carrell for a new standard broadcast station to operate on the frequency of 1470 kc, with 1 kilowatt of power, directional antenna day and night (DA-1), at Flint, Michigan; and (2) a petition, filed January 4, 1951, by North Carolina Broadcasting Company, Inc., licensee of Station WBIG, Greensboro, North Carolina, requesting that the above-entitled application of Adelaide Lillian Carrell be designated for hearing, and that the petitioner be made a party to the proceeding; and an opposition to the said petition, filed January 15, 1951 by Adelaide Lillian Carrell;

It is ordered, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications

are designated for hearing in a consolidated proceeding commencing at 10:00 a. m. on March 22, 1951 at Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of John C. Pomeroy and Adelaide Lillian Carrell and the technical, financial and other qualifications of Booth Radio and Television Stations, Inc., and its stockholders, officers and directors to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station at Flint, Michigan, would involve objectionable interference with Station WBIG, Greensboro, North Carolina; and to determine whether the operation of the proposed stations would involve objectionable interference with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other two, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of the proposed station and of Station WSGW, Lansing, Michigan, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

8. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

It is further ordered, That North Carolina Broadcasting Company, Inc., licensee of Station WBIG, Greensboro, North Carolina is made a party to this proceeding with respect to the above-entitled application of Adelaide Lillian Carrell only.

It is further ordered, That the petition of North Carolina Broadcasting Company, Inc. (WBIG) is granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2033; Filed, Feb. 8, 1951; 8:50 a. m.]

[Docket No. 9814, 9897]

HIRSH COMMUNICATION ENGINEERING CORP. AND HAWTHORN BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Hirsch Communication Engineering Corporation, Sparta, Illinois, Docket No. 9814, File No. BP-7803; Hawthorn Broadcasting Company, St. Louis, Missouri, Docket No. 9897, File No. BP-7934; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of January 1951;

The Commission having under consideration (1) the above-entitled applications of the Hirsch Communication Engineering Corporation for a new standard broadcast station at Sparta, Illinois; and of the Hawthorn Broadcasting Company for a new standard broadcast station at St. Louis, Missouri, each application requesting the frequency 1230 kilocycles, with 250 watts of power, unlimited time; and (2) a petition, filed December 13, 1950, by the Hawthorn Broadcasting Company, requesting the Commission to designate its above-entitled application for hearing in a consolidated proceeding with the above-entitled application of Hirsch Communication Engineering Corporation and also with an application of Cape County Broadcasting Co. (File No. BP-7808; Docket No. 9815), which latter application was on December 22, 1950, amended and removed from hearing;

It is ordered, That, pursuant to section 309 (a) of the communications act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding commencing at 10:00 a. m. on March 23, 1951 at Washington, D. C., upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the corporate applicants, their officers and stockholders, to operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed stations, and the character of other broadcast service available to such areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed stations would involve objectionable interference with any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected hereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed stations would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine the overlap, if any, that will exist between the service areas of the proposed station at Sparta, Illinois and of Stations KFVS, Cape Girardeau, Missouri and KFMO, Flat River, Missouri, the nature and extent thereof, and whether such overlap, if any, is in contravention of § 3.35 of the Commission's rules.

8. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

It is further ordered, That the petition of Hawthorn Broadcasting Company, insofar as it requests that the petitioner's above-entitled application be designated for hearing in a consolidated proceeding with the above-entitled application of Hirsch Broadcasting Corporation, is granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2034; Filed, Feb. 8, 1951; 8:50 a. m.]

[Docket No. 9587]

PRATT BROADCASTING CO.

ORDER DELETING ISSUE

In re application of Clem Morgan and Robert E. Schmidt d/b as Pratt Broadcasting Company, Pratt, Kansas, Docket No. 9587, File No. BP-7395, for construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 29th day of January 1951;

The Commission having under consideration a petition filed on December 18, 1950 by Clem Morgan and Robert E. Schmidt d/b as Pratt Broadcasting Company requesting modification of issues in the hearing on their above-entitled application for permit to construct a new standard broadcast station to operate on frequency 1570 kilocycles, with 250 watts power, daytime only at Pratt, Kansas;

It appearing, that the said application was designated for hearing by Commission order of November 14, 1950 to determine among other things, the financial qualifications of the applicant partnership and its partners to construct and operate the proposed station; and

It further appearing, that petition to amend the said application to show revised financial data and for continuance of hearing was granted on December 18, 1950, the amendment accepted and the hearing continued to March 9, 1951 and that on the basis of said amendment, petitioner requests deletion from the said order of designation of issue 1 which has reference to the financial qualifications of the applicant partnership and its partners to construct and operate the proposed station; and

It further appearing, that on the basis of information contained in the said ap-

plication as amended, the applicant partnership and its partners are financially qualified to construct and operate the proposed station and that no opposition to a grant of the said request for modification of issues has been filed by KVGB, Incorporated, party respondent to the proceeding;

It is ordered, That the said petition for modification of issues is granted and that issue 1 is deleted from the said order of November 14, 1950, designating the above-entitled application for hearing.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2035; Filed, Feb. 8, 1951; 8:50 a. m.]

[Docket No. 9664]

HAROLD L. SUDBURY (KLCN)

ORDER SCHEDULING HEARING

In re application of Harold L. Sudbury (KLCN), Blytheville, Arkansas, Docket No. 9664, File No. BP-7515; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of January, 1951;

The Commission having under consideration a petition filed on September 7, 1950, by Harold L. Sudbury requesting reconsideration and grant without hearing of the above-entitled application for construction permit to change the facilities of Station KLCN, Blytheville, Arkansas, from frequency 900 kilocycles, 1 kilowatt power, daytime only, to frequency 910 kilocycles, 100 watts 1 kilowatt-LS power, unlimited time;

It appearing, that the said application was designated for hearing by Commission order of May 12, 1950, on specified issues among which was to determine whether the proposed operation of Station KLCN would involve objectionable interference to Station WSUI, Iowa City, Iowa, or with any other existing broadcast stations and to determine whether the installation and operation of Station KLCN as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations with particular reference to the assignment of a Class IV station on a regional frequency; and

It further appearing, that the petition filed on September 6, 1950, by Mississippi Broadcasting Company, Incorporated, licensee of Station WCOC, Meridian, Mississippi, requesting leave to intervene in the proceeding was dismissed by Commission order of September 15, 1950, due to failure to comply with § 1.388 (a) of the Commission's rules; and

It further appearing, that on the basis of information contained in the said application and the instant petition the Commission is unable to resolve the matters in issue in that nighttime limitation of Station WSUI may be lower than that computed by petitioner during the periods Station KPOF is not operating, and that objectionable interference may be involved with Station WCOC, Meridian, Mississippi, and that Class III operation nighttime at Blytheville, Arkansas on the requested frequency may be practical;

It is ordered, That the said petition is denied and that hearing on the said application shall commence at 10:00 a. m., on March 29, 1951, at Washington, D. C.; and

It is further ordered, That on the Commission's own motion the order of May 12, 1950, designating the above-entitled application for hearing is amended to make Mississippi Broadcasting Company, Incorporated, licensee of Station WCOC, Meridian, Mississippi, a party to the proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2036; Filed, Feb. 8, 1951; 8:50 a. m.]

[Docket Nos. 9479, 9667]

RALPH D. EPPERSON (WPAQ) AND NEWS-JOURNAL CORP., (WNDB)

ORDER CONTINUING HEARING

In re applications of Ralph D. Epperson (WPAQ), Mount Airy, North Carolina, Docket No. 9479, File No. BP-7153; News-Journal Corporation (WNDB), Daytona Beach, Florida, Docket No. 9667, File No. BP-6983; for construction permits.

The Commission having under consideration a petition filed January 26, 1951, by the News-Journal Corporation (WNDB), Daytona Beach, Florida, requesting a continuance of the hearing herein of at least sixty days from the presently scheduled date of February 8, 1951, in order to afford petitioner an opportunity to make a technical study to investigate the availability of another frequency, and requesting a waiver of the Commission's four-day rule; and

It appearing that both the Commission Counsel and the parties to this proceeding have consented to immediate action upon this petition and that therefore the requirements of § 1.745 of the Commission's rules have been met, and that good cause has been shown for a grant thereof;

It is therefore ordered, This 30th day of January 1951, that the petition of the News-Journal Corporation be and it is hereby granted and the hearing herein is hereby continued to April 9, 1951, at 10:00 a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2037; Filed, Feb. 8, 1951; 8:51 a. m.]

[Docket No. 9865]

STATION WTNJ

ORDER TRANSFERRING HEARING FOR FURTHER TESTIMONY

In the matter of revocation of license of station WTNJ, Trenton, New Jersey; Docket No. 9865.

Counsel for the licensee of Station WTNJ, WOAX, Inc., having requested that the proceedings in the above-entitled docket now scheduled to be heard at Trenton, New Jersey, and to commence on the 19th day of February 1951, be heard in Trenton with exception of certain portions of the licensee's case which counsel requested be heard in New York, New York at 120 Wall Street, in the office of Erling C. Olsen, commencing February 28, 1951, for the convenience of witnesses and counsel for the Commission offering no objection;

It is ordered, This 30th day of January 1951, that the hearing on the above-entitled application commence at 10:00 a. m. on February 19th, 1951, at Trenton, New Jersey, and thereupon after adducing necessary testimony at Trenton, be adjourned until February 28, 1951, and transferred to New York, New York at 120 Wall Street, for the purpose of taking further testimony.

[SEAL] ROBERT F. JONES,
Presiding Commissioner.

[F. R. Doc. 51-2038; Filed, Feb. 8, 1951; 8:51 a. m.]

[Docket No. 9834]

GREAT NORTHERN RADIO, INC. (WWSC)

ORDER CONTINUING HEARING

In re application of Great Northern Radio, Inc. (WWSC), Glens Falls, New York, Docket No. 9834, File No. BMP-5335; applicant for modification of construction permit.

The Commission having under consideration a petition filed January 24, 1951, by the applicant, requesting that the hearing on its above-entitled application be continued indefinitely in order to permit Commission action upon a pending petition for reconsideration and grant, filed by petitioner November 27, 1950; and

It appearing, that the hearing in this proceeding is scheduled to commence on February 12, 1951, at Washington, D. C., and that no action has as yet been taken by the Commission on the said petition for reconsideration and grant of its application without hearing; and

It further appearing, that the disposition of the pending petition for reconsideration and grant by the Commission may obviate the necessity for a hearing or alter the proceeding upon this application, and that the orderly dispatch of business and the ends of justice will be served by postponing the hearing until after the Commission has considered the petition filed November 27, 1950; and

It further appearing, that there are no parties to this proceeding other than the applicant, and Commission counsel has indicated he has no objection to the requested indefinite continuance;

It is, therefore, ordered, This 30th day of January 1951, That the petition for indefinite continuance is granted; and the hearing on the above-entitled application now scheduled for February 12,

1951, at Washington, D. C., is continued without date until further order.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2039; Filed, Feb. 8, 1951; 8:51 a. m.]

[Docket No. 9710]

MARSHALL FORMBY

ORDER CONTINUING HEARING

In re application of Marshall Formby, Spur, Texas, Docket No. 9710, File No. BP-7577; for construction permit.

The Commission having under consideration a petition filed January 24, 1951, by Marshall Formby, Spur, Texas, requesting a 90-day continuance of the hearing presently scheduled for February 20, 1951, at Washington, D. C., in the proceeding upon his above-entitled for construction permit; and

It appearing, that this applicant had ample notice of the date on which this hearing was to be held; that the reasons assigned for the continuance do not justify a 90-day postponement of the hearing; and that, under the circumstances, the applicant should be allowed no more than approximately 30 days in which to prepare and be ready for hearing on his application;

It is ordered, This 2d day of February 1951, that, insofar as the petition requests a continuance, it is granted; and that the hearing in the above-entitled proceeding is continued to 10:00 a. m., Wednesday, March 28, 1951, at Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2040; Filed, Feb. 8, 1951; 8:51 a. m.]

[Designation Order 54]

DESIGNATION OF MOTIONS COMMISSIONER

At a session of the Federal Communications Commission held at its office in Washington, D. C., on the 29th day of January 1951;

It is ordered, Pursuant to § 0.111 of the statement of delegations of authority, that Rosel H. Hyde, Commissioner, is hereby designated as Motions Commissioner for the month of February, 1951.

It is further ordered, That in the event said Motions Commissioner is unable to act during any part of said period the Chairman or Acting Chairman will designate a substitute Motions Commissioner.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2041; Filed, Feb. 8, 1951; 8:51 a. m.]

NOTIFICATION OF CHANGES IN ASSIGNMENTS OF BROADCASTING STATIONS

CUBAN NOTIFICATION LIST NUMBER 1

JANUARY 15, 1951.

CUBA

PRESENT OPERATION

Frequency (kc)	Call letters	Station location	Power kw.	Antenna	Schedule	Class
1360	CMBG	Havana	0.25	ND	S. H.	IV
1360	CMOA	do	.25	ND	S. H.	IV
1460	CMCM	do	.5	ND	U	III

PROPOSED CHANGES

1360	CMBG	Havana	0.25	ND	U	III
1460	CMCM	do	.25	ND	U	III
1590	CMOA	do	.25	ND	U	III

Date for the implementation of these changes: January 31, 1951, 12:30 p. m.

NOTE: The assignments listed as "present operation" correspond with the assignments shown in Annex 3, North American Regional Broadcasting Agreement, Washington, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 51-2042; Filed, Feb. 8, 1951; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Project No. 1808]

HANS THORNE ET AL.

NOTICE OF ORDER APPROVING TRANSFER OF LICENSE (MINOR)

FEBRUARY 5, 1951.

In the matter of Hans Thorne and Helen A. Thorne and Chester O. Miller, Faye S. Miller, Henry W. Miller and Betty M. Miller, Project No. 1808.

Notice is hereby given that, on December 26, 1950, the Federal Power Commission issued its order entered December 18, 1950, modifying order of June 17, 1947, approving transfer of license (minor) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-2007; Filed, Feb. 8, 1951; 8:45 a. m.]

[Docket No. G-1489]

TEXAS GAS TRANSMISSION CORP.

ORDER SETTING HEARING UNDER ABRIDGED PROCEDURE

FEBRUARY 5, 1951.

On September 22, 1950, Texas Gas Transmission Corporation, a Delaware corporation, having offices at 416 West Third Street, Owensboro, Kentucky, filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a direct industrial gas sales meter station, and the sale of natural gas to the American Vitrified Products Company at a point near Brazil, Indiana.

On October 19, 1950, the Public Service Commission of Indiana intervened in this proceeding in opposition to the application.

By order of the Commission dated November 10, 1950, and published in the FEDERAL REGISTER on November 16, 1950 (15 F. R. 7806), this proceeding was set for hearing to commence at 10:00 a. m. (e. s. t.), on December 19, 1950.

By order of the Commission dated December 13, 1950, the hearing in this proceeding was postponed to commence on February 7, 1951, at 10:00 a. m. (e. s. t.), at the applicant's request.

By a telegram received January 30, 1951, the Public Service Commission of Indiana withdrew its intervention.

The Commission finds:

(1) This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and there being no request to be heard, protest or petition now before the Commission due notice of the filing of the application having been given, including publication in the FEDERAL REGISTER on October 14, 1950 (15 F. R. 6922).

(2) Good cause exists to set the hearing on February 7, 1951, under the abridged procedure without 15 days further notice being given.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a hearing be held on February 7, 1951, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and

1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: February 5, 1951.

By the Commission.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-2021; Filed, Feb. 8, 1951; 8:48 a. m.]

[Docket No. G-1598]

ARKANSAS LOUISIANA GAS CO.

NOTICE OF APPLICATION

FEBRUARY 5, 1951.

Take notice that on January 29, 1951, Arkansas Louisiana Gas Company (Applicant), a Delaware corporation of Shreveport, Louisiana, filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction of a meter and regulator station at a point in its transmission system near Thornton, Arkansas. Applicant proposes by these facilities to sell natural gas in the community of Thornton, Arkansas, which has no gas utility service at present.

Through these facilities, Applicant proposes to sell and deliver approximately 20,000 Mcf per year of natural gas. The cost of these facilities is estimated to be $1,029, which will be paid from general funds of Applicant.

Applicant requests that its application be heard under the shortened procedure pursuant to § 1.32 (b) of the rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 26th day of February 1951. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 51-2044; Filed, Feb. 8, 1951; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25816]

CRUDE SULPHUR FROM TEXAS AND LOUISIANA TO CALVERT, KY.

APPLICATION FOR RELIEF

FEBRUARY 6, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariff I. C. C. No. 3862.

Commodities involved: Sulphur (brimstone), in carloads.

From: Mines in Texas and Louisiana.

To: Calvert, Ky.

Grounds for relief: Competition with water carriers.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3862, Supp. 67.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2011; Filed, Feb. 8, 1951; 8:46 a. m.]

[4th Sec. Application 25817]

MOLASSES FROM LOUISIANA TO OKLAHOMA

APPLICATION FOR RELIEF

FEBRUARY 6, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: W. P. Emerson, Jr., Agent, for carriers parties to his tariff I. C. C. No. 395.

Commodities involved: Blackstrap molasses and distillery molasses residuum, in tank-car loads.

From: New Orleans, La., and points grouped therewith.

To: Checotah, Meyer, Oktaha and Rentiesville, Okla.

Grounds for relief: Circuitous routes.

Schedules filed containing proposed rates: W. P. Emerson, Jr.'s tariff I. C. C. No. 395, Supp. 31.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2012; Filed, Feb. 8, 1951; 8:46 a. m.]

[4th Sec. Application 25818]

APLITE ROCK FROM PINEY RIVER, VA., TO INDIANA AND OHIO

APPLICATION FOR RELIEF

FEBRUARY 6, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: C. W. Boin, Agent, for carriers parties to his tariff I. C. C. No. A-823.

Commodities involved: Aplite rock, crushed or ground, in carloads.

From: Piney River, Va.

To: Muncie and Winchester, Ind., Lancaster, Mount Vernon, Newark and Zanesville, Ohio.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: R. B. Le Grande's tariff I. C. C. No. 240, Supp. 154.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 51-2013; Filed, Feb. 8, 1951; 8:47 a. m.]

[4th Sec. Application 25819]

COKE FROM HOPEWELL, VA., TO WILSON, N. C.

APPLICATION FOR RELIEF

FEBRUARY 6, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for Norfolk and Western Railway Company and Norfolk Southern Railway Company.

Commodities involved: Coke, coke breeze, coke dust and coke screenings, in carloads.

From: Hopewell, Va.

To: Wilson, N. C.

Grounds for relief: Circuitous route.

Schedules filed containing proposed rates: C. A. Spaninger's tariff I. C. C. No. 1150, Supp. 15.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-2014; Filed, Feb. 8, 1951; 8:47 a. m.]

[4th Sec. Application 25820]

FORMALDEHYDE FROM TEXAS AND OKLAHOMA TO THE SOUTH

APPLICATION FOR RELIEF

FEBRUARY 6, 1951.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for carriers parties to his tariffs I. C. C. Nos. 3752 and 3919.

Commodities involved: Liquid formaldehyde, in tank-car loads.

From: Bishop and Winnie, Tex., and Tallant, Okla.

To: Gadsden, Ala., Savannah, Ga., and Orangeburg, S. C.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3752, Supp. 545; D. Q. Marsh's tariff I. C. C. No. 3919, Supp. 26.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 51-2015; Filed, Feb. 8, 1951; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 16-1A32]

O. H. HECHT

MEMORANDUM OPINION AND ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 2d day of February A. D. 1951.

National Association of Securities Dealers, Inc. ("the NASD"), a registered national securities association, has applied, pursuant to section 15A (b) (4) of the Securities Exchange Act of 1934 ("the act"), for our approval of the admission of O. H. Hecht to membership.

Appropriate public notice was given of the filing of the application, and interested persons were afforded an opportunity to request a formal hearing. No such request has been filed. On the basis of our review of the record we make the following findings.

Under section 15A (b) (4) of the act, and Article I, Section 2, of the NASD bylaws, except in cases where the Commission approves or directs admission to or continuance in membership as appropriate in the public interest, no broker or dealer may be a member of the NASD if he has been expelled or has been a cause of any order of expulsion from a registered securities association for violation of a rule of the association prohibiting conduct inconsistent with just and equitable principles of trade.

Hecht has been in the securities business since 1922. In December 1938 he became a partner in Mutual Investments, Ltd. ("Mutual"), a broker-dealer registered under section 15 (b) of the act. On August 28, 1941, a complaint was filed with the District Business Conduct Committee for District No. 11 of the NASD ("the Committee") alleging that Mutual had engaged in the practice of selling oil royalties at prices which were not fair and were in violation of sections 1 and 4 of Article III of the Association's rules of Fair Practice. As illustrative of Mutual's general business practices, the complaint set forth a series of seven transactions on which profits ranged as high as 100 percent of Mutual's cost. In its answer Mutual neither denied nor admitted the allegations but stated, "We now appreciate the necessity for these rules as required of members, and regret our lack of proper interpretation of them as intended, and assure you that we will abide by them."

No hearing was requested and the Committee on November 7, 1941, found that Mutual had been guilty of conduct inconsistent with just and equitable principles of trade and expelled it from membership in the NASD.[1]

Mutual became inactive in the securities business about January 1, 1942. In October 1942 Hecht registered as a broker-dealer under section 15 (b) of the act. Mutual dissolved at about the same time and its registration as a broker and dealer was withdrawn on November 19, 1942.

Since his registration, Hecht has been conducting a general securities business and has also acted as underwriter of smaller securities issues. He states that he continued selling oil royalties for a few years after his registration at mark-ups considered reasonable by the trade but that those sales constituted a minor portion of his business. In April 1945 he discontinued selling oil royalties and does not intend to make such sales in the future. Hecht stated also that he has familiarized himself with the NASD mark-up policy; that his profits on securities dealings since the expulsion have been in accordance therewith; and that he does not sell securities on margin or hypothecate customers' securities.

Several letters have been submitted testifying to his good reputation and character, and the NASD has recommended his admission to membership as consonant with the stated purposes and policies of section 15A of the act.

After consideration of all the circumstances, and giving due weight to the recommendation of the NASD, we find it appropriate in the public interest to approve the admission of Hecht to NASD membership.

It is ordered, therefore, Pursuant to section 15A (b) (4) of the act, that the admission of O. H. Hecht to membership in National Association of Securities Dealers, Inc., be, and it hereby is, approved.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 51-2008; Filed, Feb. 8, 1951; 8:45 a. m.]

[1] The record is not clear as to Hecht's participation in the alleged misconduct, but he was a partner in Mutual and he has not sought to disclaim responsibility. In his application to the NASD for admission to membership Hecht indicated that he was a cause of the expulsion, and in a statement made before the Committee in connection with his application Hecht referred to "our mistake which I, of course, admit."

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 16712]

SCHERING, A. G. ET AL.

In re: Interests and rights of Schering, A. G., Berlin, Germany, in agreements with Sherka Chemical Company, Inc.; U. S. Letters patent owned by Schering, A. G.; Sioto, G. m. b. H.; Niederschlesische Bergbau, A. G.; Voigtländer & Sohn, A. G.; Rheinische Kampferfabrik, G. m. b. H.; C. F. Böhringer & Söhne, G. m. b. H.: Hans Goebel, Burkhard von Becker; Herbert Schotte; Robert Ebert; Joachim Korpium, and Helmut Borst.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to

law, after investigation, it is hereby found:

1. That each of the corporations, partnerships, associations, or other business organizations whose names and last known addresses are set forth below is organized under the laws of Germany, and has, or, on or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany):

Names and Addresses

Schering, A. G., Berlin, Germany.
Sioto, G. m. b. H., Hamburg, Germany.
Niederschlesische Bergbau, A. G., Neuweisstein bei Waldenburg, Germany.
Voigtländer & Sohn, A. G., Braunschweig, Germany.
Rheinische Kampferfabrik, G. m. b. H., Düsseldorf-Oberkassel, Germany.

2. That C. F. Böhringer & Söhne, G. m. b. H., whose last known address is Mannheim-Waldhof, Germany, is a corporation, partnership, association, or other business organization, organized under the laws of Germany, which has, or on or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

3. That Hans Goebel, Burkhard von Becker, Herbert Schotte, Robert Ebert, Joachim Korpium, and Helmut Borst, whose last known addresses are Germany, are residents and nationals of a designated enemy country (Germany);

4. That the property described as follows:

a. All interests and rights (including all monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Schering, A. G. of Berlin, Germany by virtue of an agreement dated January 1, 1938 by and between Schering, A. G. and Sherka Chemical Company, Inc., Bloomfield, New Jersey (including all modifications thereof and supplements thereto, if any);

b. All interests and rights (including all monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Schering, A. G. of Berlin, Germany, by virtue of the exchange of cables and letters between Schering, A. G., of Berlin, Germany, Schering Corporation of Bloomfield, New Jersey and Sherka Chemical Company, Inc., of Bloomfield, New Jersey, dated September 15, 1939; October 5 and 25, 1939; November 11, 20 & 27, 1939; February 24, 26 & 27, 1940; March 13, 1940; April 8, 1940; May 6, 8 & 31, 1940 and June 3, 1940 (including all modifications thereof and supplements thereto, if any);

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Schering, A. G., of Berlin, Germany, the aforesaid national of a designated enemy country (Germany);

5. That the property described as follows: All right, title, and interest, including all accrued royalties and all damages and profits recoverable at law or in equity from any person, firm, corporation, or government for past infringement thereof, in and to the United States Letters Patent listed in Exhibits A and B, attached hereto and by reference made a part hereof;

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the persons named in subparagraphs 1, 2, and 3 hereof, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

6. That to the extent that the persons referred to in subparagraphs 1, 2, and 3 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on December 26, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A—PATENTS ASSIGNED TO SHERKA CHEMICAL COMPANY, INC. BY SCHERING A. G.

Patent No.	Date of issue	Inventor	Title
1,865,940	7/ 5/32	Hans Meerwein, Heinrich Morschel	Production of Acetone.
1,877,203	9/13/32	Walter Schoeller, Hans Jordan, Walter Linde.	Method of Simultaneous Hydrogenation and Dehydrogenation.
1,877,991	9/20/32	Erwin Schwenk, Hans Jordan	Production of Hydroaromatic Carboxylic Acids.
1,891,333	12/20/32	Hans Meerwein, Heinrich Morschel	Production of Acetone.
1,907,592	5/ 9/33	Walter Schoeller, Erwin Schwenk, Hans Goebel, Siegfried Michael.	Phosphoric Acid Ester of Gluconic Acid.
1,916,741	7/ 4/33	Rudolf Schmidt	Production of Aliphatic-Aromatic Ketones.
1,916,743	7/ 4/33	Erwin Schwenk, Max Gehrke, Franz Aichner.	Production of Acrolein.
1,933,757	11/ 7/33	Hans Priewe	Disinfectant.
1,967,433	7/24/34	Walter Schoeller, Erwin Schwenk, Erich Borgwardt, Franz Aichner.	Method of Producing Aliphatic and Hydro-Aromatic Oxides.
1,996,593	4/ 2/35	Erwin Schwenk, Hans Jordan	Vulcanization of Caoutchouc.
2,021,277	11/19/35	Fritz Wolff	Seed Disinfectant.
2,024,362	12/17/35	Herbert Schotte, Karl Gornitz	Insecticidal Preparation.
2,068,284	1/19/37	Karl Ziegler	Method For the Production of Derivatives of Cyclic B-Keto Carboxylic Acids.
2,103,286	12/28/37	do	Method of Producing Compounds of Cyclic B-Ketocarboxylic Acids.
2,103,558	12/28/37	Walter Schoeller, Erich Borgwardt	Phosphates of Amino Acid Esters and Method of Producing Same.
2,109,143	2/22/38	Fritz Wolff	Dry Disinfectant for Seeds.
2,136,868	11/15/38	Herbert Schotte, Karl Gornitz	Insecticide and Method of Making Same.
2,141,058	12/20/38	Karl Ziegler	Method of Producing Substituted Alkali Metal Amides.
2,142,564	1/ 3/39	Joachim Korpium	Process For Electrodeposition on Aluminum and Aluminum Alloys.
2,145,594	1/31/39	Karl Gornitz, Willy Harnack, Otto Wurm.	Seed Disinfectant Composition and Method of Making the Same.
2,145,595	1/31/39	do	Organic Mercury Compounds and a Method of Making the Same.
2,178,099	10/31/39	do	Organic Mercury Compound and a Method of Producing the Same.
2,196,018	4/ 2/40	Joachim Korpium	Cartridge Case Provided with a Non-metallic Surface.
2,208,808	7/23/40	Franz Gottwalt	Method for the Separation of Acylatable Substances from Mixtures Containing Same.
2,220,894	11/12/40	Josef Eimig	Luminous Materials and Intensifying Screens for X-Rays and a Method for Manufacturing the Same.
2,229,741	1/28/41	Gerhard Hinz	Process for the Manufacture of Noncurling Films.
2,231,086	2/11/41	Alwin Muller, Joachim Korpium	Method of Producing Oxide Coated Aluminum and Aluminum Base Alloys and Electrolyte therefor.
2,233,785	3/ 4/41	Joachim Korpium	Process for the Manufacture of Oxide Layers on Aluminum and Aluminum Alloys and to Electrolytes therefor.
2,241,800	5/31/41	Fritz Wolff	Process for Preparing Hydrated Copper Chlorides.
2,248,092	7/ 8/41	Joachim Korpium	Method for Treating Electroplating Baths.
2,260,173	10/21/41	Max Dohra, Hans Nahme	Production and Application of Media for Protection from Light.
2,263,381	11/18/41	Hans Goebel	Powder Box.
2,271,192	1/27/42	Gerhard Hinz	Process of Treating Plastic Sheets.
2,277,180	3/24/42	Fritz Wolff, Karl Gornitz, Willy Harnack.	Alkylene Diamine Alkyl Mercury Compounds.
2,292,461	8/11/42	Hans Meerwein	Process for the Introduction of Aryl Groups into a B-Unsaturated Carbonyl Compounds and their Derivatives.

EXHIBIT B—PATENTS ASSIGNED TO SHERKA CHEMICAL COMPANY, INC., BY SIOTO, G. M. B. H., NIEDERSCHLESISCHE BERGBAU, A. G.; VOIGTLÄNDER & SOHN, A. G., C. F. BÖHRINGER & SÖHNE, G. M. B. H.; HELMUT BORST, HANS GOEBEL, BURKHARD VON BECKER, HERBERT SCHOTTE, ROBERT EBERT, AND JOACHIM KORPIUM, ALL AS INDICATED BELOW

SIOTO, G. m. b. H.

Patent No.	Date of issue	Inventor	Title
2,194,246	3/19/40	Carl Oberlander, Fritz Hermann, Zsehacke.	Enamels and Glazes and a Method of Producing the Same.

NIEDERSCHLESISCHE BERGBAU, A. G.

2,277,115	3/24/42	Hugo Kruger, Kurt Giesler	Process of Producing Pure Benzene Hydrocarbons.

VOIGTLÄNDER & SOHN, A. G.

2,012,334	8/27/35	Arpad Barenyi	Photographic Film Camera.
2,054,284	9/15/36	Walter Forstmann	Photographic Film.
2,075,081	3/30/37	Arpad Barenyi	Folding Camera.
2,153,813	4/11/39	Karl Pritschow	Photographic Camera.
2,167,229	7/25/39	Eugen Armbruster	Range Finder.
2,189,223	2/ 6/40	Wilhelm Reiche	Folding Camera.
2,233,238	2/25/41	Wilhelm Baumgartner	Roll Film Camera.
2,233,229	2/25/41	Wilhelm Baumgartner	Photographic Roll Film Camera.
2,249,929	7/22/41	Wilhelm Baumgartner	Roll Film Camera.
2,297,634	9/29/42	Karl Pritschow	Photographic Camera.

C. E. BÖHRINGER & SOHNE, G.m.b.H.

1,859,786	5/24/32	Richard Muller, Fritz Voeller	Production of Anhydrides of the Lower Fatty Acid Series.
1,910,176	5/23/33	Richard Muller, Martin Schenck	Controlling Reaction Between Cellulose and Other Reagents.
1,911,920	5/30/33	Richard Muller, Alfred Lubke, Hermann Dietrich.	Production of Acetic Acid.
1,941,951	1/ 2/34	Richard Muller, Hans Hatzig, Erich Rabald.	Separating Acetic Acid from Acetic Acid Anhydride.
1,967,421	7/24/34	Richard Muller, Alfred Lubke	Plastic Mass Containing Cellulose Esters.
2,001,211	5/14/35	Richard Muller, Erich Rabald	Production of Fatty Acid Anhydrides.
2,002,674	5/28/35	Richard Muller, Martin Schenck, Wilhelm Wirbatz.	Method of Treating Cellulose Acetate.
2,011,011	8/13/35	Erich Rabald	Process of Combining Acetylene with Acetic Acid.
2,024,381	12/17/35	Richard Muller, Martin Schenck, Wilhelm Wirbatz, Fritz Muller.	Esterification of Cellulose.
2,030,221	2/11/36	Richard Muller, Martin Schenck, Wilhelm Wirbatz.	Method of Producing Plastic Masses, etc., Containing Cellulose Esters.
2,032,549	3/ 3/36	do	Treating Solid Cellulose Derivatives.
2,035,183	3/24/36	Richard Muller, Fritz Muller, Heinrich Messer.	Cellulose Composition.
2,045,161	6/23/36	Richard Muller, Martin Schenck, Wilhelm Wirbatz.	Cellulose Acetate Products and Method of Producing Same.
2,045,718	6/30/36	Richard Muller, Hans Hatzig, Erich Rabald.	Method of Producing Anhydrides of Lower Fatty Acids.
2,103,012	12/21/37	Richard Muller, Martin Schenck, Wilhelm Wirbatz.	Cellulose Esters.
2,143,205	1/10/39	Richard Muller, Alfred Lubke	Artificial Silk.

HELMUT BORST

2,192,891	3/12/40	Helmut Borst	Photographic Developer and Process of Development.

HANS GOEBEL

2,349,654	5/23/44	Hans Goebel	Aqueous Solutions of Phenols and their Homologues and a Method of Making the Same.

BURKHARD VON BECKER

2,368,277	1/30/45	Burkhard von Becker	Wetting Agent for Mercerizing and a Process for Increasing the Wetting Power of Mercerizing Lyes.

HERBERT SCHOTTE AND ROBERT EBERT

2,392,067	1/ 1/46	Herbert Schotte, Robert Ebert	Insecticides.

JOACHIM KORPIUM

2,418,265	4/ 1/47	Joachim Korpium	Process for Providing Aluminum and Aluminum Alloys with Metal Coating.

[F. R. Doc. 51-2046; Filed, Feb. 8, 1951; 8:53 a. m.]

[Vesting Order 17230]

SAICHI TATSUTA ET AL.

In re: Rights of Saichi Tatsuta, et al., under contract of insurance. File F 39-4934-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Saichi Tatsuta, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Saichi Tatsuta, who there is reasonable cause to believe are residents of Japan, are nationals of a designated enemy country (Japan);

3. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1097797 issued by the Sun Life Assurance Company of Canada, Montreal, Quebec, Canada, to Saichi Tatsuta, together with the right to demand, receive and collect said net proceeds (including without limitation the right to proceed for collection against branch offices, legal reserves maintained in the United States), is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or an account of, or owing to, or which is evidence of ownership or control by Saichi Tatsuta or the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Saichi Tatsuta, the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Saichi Tatsuta are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1992; Filed, Feb. 7, 1951; 8:58 a. m.]

[Vesting Order 17155]

CARL GUDERT

In re: Trust under the will of Carl Gudert, deceased. File No. D–28–2204 E. T. sec. 3018.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Doerwald, Annie Boesser, Fritz Doerwald, Louis Doerwald and Elsie Doerwald, whose last known address was, on December 6, 1950, Germany, were on such date residents of Germany and nationals of a designated enemy country (Germany);

2. That the issue, names unknown, of Babetta Haeusler, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the sum of $1,131.70 was paid to the Attorney General of the United States by George J. Haeusler, Milwaukee, Wisconsin, Surviving Trustee of the trust under the will of Carl Gudert, deceased;

4. That the said sum of $1,131.70 was accepted by the Attorney General of the United States on December 6, 1950, pursuant to the terms of the Trading With the Enemy Act, as amended;

5. That the said sum of $1,131.70 is presently in the possession of the Attorney General of the United States and was property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which was evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

6. That to the extent that the persons named in subparagraph 1 hereof and the issue, names unknown, of Babetta Haeusler, deceased, were not within a designated enemy country on December 6, 1950, the national interest of the United States required that such persons be treated as nationals of a designated enemy country (Germany) on such date.

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

This vesting order is issued nunc pro tunc to confirm the vesting of the said property by acceptance as aforesaid.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–1982; Filed, Feb. 7, 1951; 8:56 a. m.]

[Vesting Order 17138]

JAPANESE ASSOCIATION OF AMERICA

In re: Debt owing to Japanese Association of America. D–39–2186.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the Japanese Association of America, a non-stock membership corporation organized under the laws of the State of California, is or, since the effective date of Executive Order 8389, as amended, has been controlled by, directly or indirectly, a designated enemy country (Japan) and is a national of a designated enemy country (Japan);

2. That the property described as follows: That certain debt or other obligation of The Yokohama Specie Bank, Ltd., San Francisco Office, and/or Superintendent of Banks of the State of California and Liquidator of The Yokohama Specie Bank, Ltd., San Francisco Office, c/o State Banking Department, 111 Sutter Street, San Francisco, California, arising out of a Commercial Account in the name of Japanese Association of America, maintained at the aforesaid San Francisco Office, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Japanese Association of America, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That the Japanese Association of America is controlled by or acting for or on behalf of a designated enemy country (Japan) or persons within such country and is a national of a designated enemy country (Japan); and

4. That to the extent that Japanese Association of America is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51–2048; Filed, Feb. 8, 1951; 8:54 a. m.]

[Vesting Order 17153]

HENRIETTA E. GARRETT

In re: Estate of Henrietta E. Garrett, deceased. File No. D–28–1682; E. T. Sec. Nos. 538 and 539.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Gneist, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs-at-law, next of kin, legatees, distributees and assignees, names unknown, of Carl Gneist, deceased, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof in, to and against the Estate of Henrietta E. Garrett, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

4. That such property is in the process of administration by Charles S. Starr and Frank G. Marcellus, administrators c. t. a., acting under the judicial supervision of the Orphans' Court of Philadelphia County, Pennsylvania;

5. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof in and to and arising out of or under that certain contract entered into on February 16, 1938, by and between Carl Gneist of Berlin, Germany, and Arno P. Mowitz of Philadelphia, Pennsylvania, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

6. That to the extent that the person named in subparagraph 1 hereof and the domiciliary personal representatives, heirs-at-law, next of kin, legatees, distributees and assignees, names unknown, of Carl Gneist, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in sec-

tion 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2049; Filed, Feb. 8, 1951; 8:54 a. m.]

[Vesting Order 17180]

FRITZ STRAUBEL

In re: Estate of Fritz Straubel, deceased. File No. 017-25269.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gertrud Maeder and Karl Straubel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. All right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the sum of $2,000 deposited with the Union Title Guaranty Company, Pittsburgh, Pennsylvania, by Frank Aldridge and Margaret Aldridge on account of the purchase price of a certain parcel of real property situated in Jefferson Township, Allegheny County, Pennsylvania, containing ten (10) acres of land in three parcels, as set forth in Deed from Bertha Benedict to Fritz Straubel and Otto Schmelzer, dated April 10, 1926, and recorded in Recorder's Office of Allegheny County, Pennsylvania, in Deed Book Volume 2276, page 576; and

b. That certain debt or obligation owing to Gertrud Maeder and Karl Straubel by Frank Aldridge and Margaret Aldridge arising out of the use and occupation of the real property described in subparagraph 2 (a) hereof, together with the right to demand, collect and enforce the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 19, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-2050; Filed, Feb. 8, 1951; 8:54 a. m.]

[Vesting Order 17224]

BARBARA KUHNLE (KUHULE) ET AL.

In re: Rights of Barbara Kuhnle (Kuhule) et al., under insurance contract. File No. F-28-29797-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Barbara Kuhnle (Kuhule), nee Hohn and Frieda Kuhnle (Kuhule), whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Anna Kuhnle (Kuhule), deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 7270167, issued by the Prudential Insurance Company of America, Newark, New Jersey, to Anna Kuhnle (Kuhule), together with the right to demand, receive and collect said net proceeds, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Anna Kuhnle (Kuhule), deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 24, 1951.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 51-1990; Filed, Feb. 7, 1951; 8:57 a. m.]

[Return Order 878]

SHUNJI MATSUOKA

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, be returned, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Shunji Matsuoka, Seattle, Wash.; Claim No. 6760; Notice of intention to return vested property published October 14, 1950 (15 F. R. 6928); $424.39 in the Treasury of the United States.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on February 5, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2052; Filed, Feb. 8, 1951; 8:55 a. m.]

MAURICE HENRI LEMAIRE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Maurice Henri Lemaire, Paris, France; Claim No. 41772; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent Nos. 1,899,874; 1,922,895; 1,927,178; 2,004,051 and 2,007,400.

Executed at Washington, D. C., on February 5, 1951.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 51-2053; Filed, Feb. 8, 1951; 8:55 a. m.]